THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF THE REGULAR MEETING OF THE FACULTY SENATE HELD ON JANUARY 21, 2005, IN THE ALUMNI HOUSE, FIRST FLOOR

Present: Vice President Lehman, Registrar Amundson, and Parliamentarian Pagel; Deans Frawley and Tong; Professors Biles, Briscoe, Cordes, Friedenthal, Garris, Granger, Griffith, Gupta, Helgert, Klarén, Lee, Marotta, Mueller, Robinson, Shambaugh, Simon, Vergara, Watson, Wilmarth, and Wirtz

Absent: President Trachtenberg, Deans Futrell, Harding, Katz, Phillips, Scott, Trangsrud, and Whitaker; Professors Castleberry, Delaney, Englander, Gallo, Packer, Robin, and Shen

CALL TO ORDER

The meeting was called to order at 2:20 p.m. by Executive Vice President for Academic Affairs Donald R. Lehman. He then introduced and welcomed Professor Mary J. Granger, elected by the School of Business to complete the unexpired Senate term of Professor Paul M. Swiercz, who is on sabbatical leave this semester. Vice President Lehman also introduced and welcomed Professor Brian L. Biles, elected by the School of Public and Health Services (SPHHS) to complete the unexpired Senate term of Professor Donald C. Paup, who is on sabbatical leave this semester as well.

APPROVAL OF THE MINUTES

Professor William B. Griffith asked that the seventh line in the first paragraph under "Brief Statements and Questions" on page 6 of the minutes be altered to add the word "not" before the phrase "located in the various schools and departments. . ." The minutes of the December 10, 2004 meeting were approved as amended.

RESOLUTIONS

I. RESOLUTION 04/5, "A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY POLICIES AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH MISCONDUCT"

Professor Arthur E. Wilmarth, Jr., Chair of the Executive Committee of the Faculty Senate, introduced Resolution 04/5. Professor Wilmarth began by thanking a number of individuals who had worked collectively on each of the policies attached to Resolutions 04/5 and 04/6. These individuals include Associate Vice President Sigelman, who provided valuable input on both the Research Misconduct Policy and Conflicts of Interest and Commitment Policy; Associate General Counsels Mary Lynn Reed (Research Misconduct) and Ann Adams (Conflicts of Interest Policy), as well as the Chairs of four Senate Standing Committees: Professors Sylvia A. Marotta (Appointment, Salary and Promotion Policies), Gary L. Simon (Educational Policy), Ernest J. Englander (Professional Ethics and Academic Freedom)[PEAF], and William J. Briscoe (Research).

Professor Wilmarth then briefly reviewed the history of the Research Misconduct Policy, beginning with the Senate's adoption of an Interim Policy on Scientific Misconduct in March, 2004, subject to further review by the PEAF Committee. In the midst of the PEAF review of the Interim Policy, the Office of Research Integrity (ORI) of the Public Health Service issued a new set of proposed regulations, which, among other things, broadened the scope of covered research beyond scientific and medical research to include misconduct in all types of research. In line with this development, GW's Scientific Misconduct Policy will become the Research Misconduct Policy, which sets forth a uniform framework for addressing accusations of misconduct against faculty conducting any sort of research at the University.

As outlined in Resolution 04/5, Professor Wilmarth noted that eleven changes had been made to the Interim Policy, with the primary purpose of ensuring due process to faculty members accused of misconduct. Finally, remedial provisions had been enhanced in the Policy, outlining steps that the University would take, upon request, so that faculty exonerated by the process would be held harmless. Among other things, these steps include possible interim support for a faculty member's research for a period usually not to exceed one year, and may also include publication by the University in appropriate scholarly and professional media of notices that a faculty member has been exonerated after a Research Misconduct inquiry.

Professor Gupta said he had a number of points to raise, some at the request of Professor Packer who was unable to attend the meeting. Under the definition of Conflict of Interest in Section II. C. of the Policy, Professor Packer had asked that the phrase "or apparent" be deleted from the definition. Professor Wilmarth responded that these words provide protection for a respondent, who would be restricted in making challenges for cause under Professor Packer's proposal. As written, the Policy takes into account both real and apparent conflict of interest or bias; elimination of the phrase "or apparent" would force a respondent to prove that the bias or conflict of interest is real.

Professor Cordes pointed out that the Policy contains specific definitions in Section II. which are operational only in the context of the Research Misconduct Policy, and he suggested that this might need clarification. Professor Mueller agreed. Professor Friedenthal moved that the title of Section II. be changed to read, "II. Definition of terms used within this document" and the motion was seconded. A short discussion followed between Professors Griffith, Cordes, Wilmarth, and Vice President Lehman, and the wording was amended to read "Definition of terms used in this document." The question was called, a vote was taken, and the motion was passed.

Professor Gupta then raised an editorial issue in the third line of the last paragraph of Section V. D. on page 9, where the words "for preparing" had been omitted between the words "and". . . "the inquiry report." This editorial change was agreed upon by all present.

On behalf of Professor Packer, Professor Gupta then turned to Section VI. D., on page 11, and pointed out that the time limit of 60 days for the Associate Vice President for Health Research to complete the Inquiry Report was not absolute. Professor Wilmarth suggested that a clarification might be inserted to make it clear that an extension could only be taken if circumstances reasonably warrant a longer period for completion of the Report. Professor

Griffith said he thought it was clear that the 60 day time frame would be the usual deadline, unless there was a documented reason for an extension, and all present agreed.

Professor Lee then raised an editorial issue, in that the parentheses bracketing "60" in that same section needed to be closed. This editorial change was agreed upon by all present.

Again, on behalf of Professor Packer, Professor Gupta asked that Section VII. C., which concerns Appointment of the Investigation Committee, be amended so that at least one of three individuals on the Investigation Committee would be an active scholar in the respondent's field. Vice President Lehman said he thought that the requirement already in the Policy, specifying that individuals have the necessary expertise to evaluate the evidence, would address this concern. Professor Mueller agreed, and the change was not pursued.

Professor Gupta then moved to Section VIII. C. on page 15, of the Policy, and moved that the words, "the Committee should transmit the final report" in the second line be changed to "the Committee will transmit the final report." The motion was seconded. The question was called, a vote was taken, and the motion passed.

Professor Gupta then moved that the word "should" be changed in both instances where it appears in Section VIII. E. on page 16 to "shall," and the motion was seconded. The question was called, a vote was taken, and the motion passed.

Finally, Professor Gupta pointed out several other editorial changes, which would: (a) remove the closing parenthesis at the end of the first sentence of Section VIII. E.; (b) in Section IX. B., change the first word from "If" to "In;" (c) delete the word "the" from the phrase "furnished to the him or her . . ." on Page 20, Item XIII., line 3.; and (d) change the phrase "or the investigation committee" in line four of Section XIII. to read, "or to the investigation committee." Vice President Sigelman then suggested that the words, "and Technology" be stricken from the Associate Vice President for Health Research's title in line four of this Section. All present agreed with these editorial changes.

Professor Simon said that he thought that the definition of research misconduct in Section II. O. was somewhat restrictive and did not itemize all of the things which might constitute misconduct under the Policy. Discussion followed among Professors Wilmarth and Simon and Vice Presidents Lehman and Sigelman on the definition of research misconduct as it appears in the ORI model policy, upon which the GW Research Misconduct Policy is based. The ORI Model Policy contains a definition of research misconduct which is broader than that set forth in the Policy under consideration by the Senate, in that it adds "or other practices that seriously deviate from those that are commonly accepted" to the definition of misconduct as "fabrication, falsification, or plagiarism." Professor Simon raised the issue of whether or not misconduct in research on human subjects would be addressed under the Research Misconduct Policy, and Vice President Sigelman said she did not think it would, as there is a separate agreement between the government and the University that would apply. There could well be other types of misconduct related to research, involving for example, fiscal responsibility, or human or animal subjects violations that would be covered under other kinds of policies.

In an effort to address Professor Simon's concern, Professor Friedenthal suggested that the definition of research misconduct be clarified to make it clear that fabrication,

falsification, or plagiarism were not exclusive definitions of research misconduct. Professor Wilmarth suggested that the language of II.O. be amended to add the phrase "includes, without limitation," before the phrase, "fabrication, falsification, or plagiarism." Another short discussion followed concerning the definition as it appears in the ORI model policy, following which Professor Mueller moved that the language of the ORI model Policy be substituted in the Policy under consideration. The motion was seconded. Discussion followed on other possible alternatives to Professor Mueller's motion, and the question was called. A vote was taken, and the motion failed.

Professor Wirtz moved that the definition of research misconduct be broadened to read "includes, without limitation, fabrication, falsification, or plagiarism," as suggested earlier by Professor Wilmarth. The motion was seconded. Professor Simon said he thought that other examples of research misconduct should be included in the definition, such as coercive behavior, failure to file informed consent, and putting humans or animals at undue risk. These sorts of research misconduct are just as important, if not more important, than those already enumerated in II.O., he added. Further discussion followed about definitions used in the ORI model policy, the scope of the Research Misconduct Policy under consideration, and whether additional examples of research misconduct needed to be incorporated into the motion made by Professor Wirtz. The question was called on the motion, a vote was taken, and the motion passed.

Returning to Professor Simon's expressed concerns, Professor Wilmarth said he thought it the sense of the Senate that if the administration feels there are certain areas of research misconduct (such as those concerning human or animal subjects) that should not be governed by the Research Misconduct Policy, the administration should bring back these issues with appropriate notice to the Senate for its consideration. The presumption would be that the Research Misconduct Policy covers all research misconduct, as its revised definitions indicate.

Vice President Lehman said he thought Professor Simon's concern was that the federal government could initiate an investigatory process with regard to certain types of human subjects violations under an Institutional Review Board (IRB) agreement, and that this process would not afford respondents protections outlined in the Policy under consideration. Professor Simon agreed with this point. Professor Griffith said he appreciated the fact that the University must abide by research agreements made with the government, but he added that he was concerned about faculty being subjected to allegations of infractions under different policies, depending upon what type of research was involved. Both Professor Griffith and Vice President Lehman said they thought it would be a good idea for the Research Committee to look into the concerns raised by Professor Simon, and Professor Briscoe, Chair of the Research Committee, agreed to undertake this task.

Professor Simon said he agreed with the motion just passed, but he moved that the phrase, ""coercive behavior and violations of human research subject protections" be added following the phrase "includes, without limitation," in Section II.O. The motion was seconded. Vice President Sigelman said she thought that including human subject violations in the Policy under consideration would be unwise given that different federal regulations govern the protection of human subjects. If the concern is that faculty do not have adequate protection in all areas of research misconduct, then other policies and procedures which cover these sorts of research misconduct probably need to be reviewed in order to see if more

due process protections should be built into them. Professor Wirtz said that, as the discussion had unfolded, he was convinced that Professor Simon had raised serious issues that the Senate was ill prepared to deal with by amending from the floor the Policy under consideration. He said that he agreed these concerns should be referred to the Research Committee, and then called the question. A vote was taken, and Professor Simon's motion failed.

The question was called upon the motion on the floor to approve Resolution 04/5 and the Research Misconduct Policy, as amended. A vote was taken, and both were adopted. (Resolution 04/5 and the Research Misconduct Policy, as amended, are attached.)

II. RESOLUTION 04/6, "A RESOLUTION TO ENDORSE REVISED DISCLOSURE FORMS AND CONFORMING CHANGES TO THE GEORGE WASHINGTON UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT"

On behalf of the Executive Committee, Professor Arthur E. Wilmarth, Jr. Chair, introduced Resolution 04/6. Professor Wilmarth again thanked everyone who had worked together to bring these documents to the Senate. Among the technical changes to the documents was an expansion of the definition of immediate family members to include not only spouses and dependent children, but also domestic partners. Professor Wilmarth said that it was his understanding that federal regulations make this change necessary.

Similarly, language in Exhibits B and C (the disclosure forms) require that some disclosures be made not only concerning immediate family members, but also for "close" family members, i.e., non-dependent children, as well as father, mother, sisters and brothers of the employee and the employee's spouse or domestic partner. Professor Wilmarth noted that the information requested on the forms requires disclosure only based on the knowledge that faculty members have or should reasonably be expected to have based on information provided to them or in their possession. Thus, there is no duty on the part of faculty members to make inquiries or discover facts unknown to them, or to obtain information not in their possession regarding the interests or activities of "close" family members. Professor Wilmarth emphasized that there would be a duty of reasonable inquiry when disclosures concern immediate family members, but not when disclosures concern "close" family members.

During the faculty representatives' review of the Conflicts of Interest Policy, the University administration proposed that there be disclosure of equity interests in companies doing business with the University. Professor Wilmarth said that the faculty representatives insisted that there must be a blanket exemption from disclosure for ownership of less than 1% of the total stock in a publicly traded company, provided that neither the faculty member nor any family member has any involvement in, or control over, the company's business transactions with the University.

The administration also requested that faculty and family members disclose relationships (as employee, officer, director, or one with a significant financial interest) with potential competitors, i.e., higher education or patient care entities. This proposal was accepted with regard to faculty members, but it was rejected with respect to family members.

Lastly, the administration requested that faculty members disclose gifts or loans either from persons doing business with GW, or from potential competitors, as administrators and trustees now do. The threshold for administrators and trustees is presently $100 for a gift and $250 for a loan. While faculty representatives expressed the desire for higher thresholds, this was not adopted, although some review is being given to increasing those thresholds for administrators and trustees. If the threshold rises for these two groups, then it would increase for faculty as well.

Professor Shambaugh inquired about the definition of a "substantial competitor" and asked if a faculty member serves as a trustee or board member of a foundation, if that would trigger an obligation to disclose the relationship. Professor Wilmarth responded that if a faculty member serves in those capacities and the foundations are in the business of higher education or patient care services, then these entities would be considered substantial competitors, and a faculty member would need to disclose the relationship. Disclosure would not imply any admission of impropriety, he added.

Professor Garris said that a number of the School of Engineering and Applied Science (SEAS) faculty members had expressed concern about the sensitive personal information requested on the disclosure forms, and given the number of people who handle these forms and have access to the information, SEAS faculty feel that stronger confidentiality protections are warranted, which might include limiting access to the information to signatories, and having signatories take personal responsibility for maintaining confidentiality of the information disclosed.

Vice President Lehman said that most faculty have nothing to disclose, but when a report includes sensitive disclosures, that information is routinely forwarded separately from the faculty member's annual report (or from proposals) in an envelope marked "confidential." He encouraged faculty to transmit this information in plain brown envelopes sealed with tape and marked "confidential," and he assured the Senate the information would be treated confidentially. Professor Gupta said he shared Professor Garris's concern, considering the number of times the information in transit would be opened and reviewed at each stage of approval.

Corrected at mtg of 2/11/05

GUPTA

Professor Wilmarth moved that the phrase in the second paragraph of Exhibit B (the Annual Faculty Member and Investigator Financial Interest Disclosure Form) which states, "Please be assured that responses to the questionnaire . . .", be amended to insert the phrase "may be submitted on a confidential basis and will be held strictly in confidence." He further moved that the phrase beginning "responses requiring further clarification will be brought to your immediate attention" become a separate sentence. Professor Wilmarth also moved that this phrase be amended likewise in Exhibit C (the Proposal-Specific Investigator Financial Interest Disclosure Form). The motion was seconded. There being no further discussion of the motion, the question was called, a vote was taken, and the motion to change the indicated language in Exhibits B & C passed.

Professor Shambaugh inquired about the reference in Exhibit A., Section II.B., to the "one-day-a-week" rule for faculty to pursue outside consulting and other professional activities and asked if this literally meant "one day a week" or if it could be interpreted as a cumulative total. Vice President Lehman confirmed that this entitlement could be averaged. Professor Shambaugh moved to quantify the entitlement, perhaps at the rate of 36 days per nine month academic year. The motion was seconded. Professor Wirtz said that he was

uncomfortable with quantifying this entitlement without defining terms such as "week," (five days or seven days), and "academic year" (nine months). Vice President Lehman agreed with Professor Wirtz that this point was far from frivolous in view of forthcoming effort-reporting requirements for federal grants and contracts. Professor Wilmarth offered a substitute for the language moved by Professor Shambaugh, suggesting that the words "on average" be added following the phrase "one working day a week" and his suggestion was accepted as a friendly amendment. The question was called, a vote was taken, and the motion was passed.

Professor Shambaugh then inquired about Section III. A., bullet 2, and asked about the monetary benchmark of $10,000 for significant (reportable) financial interests set forth there. Both Vice President Lehman and Professor Wilmarth responded that these requirements were further clarified in footnote 2 on page 4 of the Policy attached to Resolution 04/6 as Exhibit A. In addition, the same information contained in the footnote is included in the language on page 2 of each of the Disclosure forms.

Professor Lee then inquired about reporting requirements for income on rental property, and she asked if these requirements applied to gross or net rents. Vice President Lehman responded that such requirements pertained only to property involved in reportable transactions.

Professor Shambaugh inquired about Section I.B.4. of Exhibit A, pertaining to the requirement of review and oversight by the University when "the University is deprived of appropriate potential financial gain . . ." Vice President Lehman said this provision means that if faculty members obtain federal grants, or foundation grants, these should normally be obtained through the University. The key question he added, is whether a faculty member is involved in a consulting type of arrangement. Professor Shambaugh then asked if faculty were required to report personal consulting arrangements, and Vice President Lehman confirmed that these are reportable on annual reports. Discussion followed between Professors Wirtz, Wilmarth and Vice Presidents Lehman and Sigelman on this point.

The question was called on the motion to approve Resolution 04/6 and the Policy on Conflicts of Interest and Commitment (Exhibit A), along with Exhibits B and C, as amended. A vote was taken, and the Resolution and the Exhibits as enumerated, were adopted. (Resolution 04/6, and Exhibits A, B, and C, as amended, are attached.)

Professor Wirtz said that, having sat on the Executive Committee and the Senate as many years as he had, he thought that the two Resolutions considered at the meeting had required just an extraordinary amount of negotiation between numerous parties. He added that he thought the Senate owes a special debt of gratitude to Professor Wilmarth for his remarkable stewardship of the revision of these two Policies and related documents. Vice President Lehman seconded these sentiments and expressed his appreciation to Professor Wilmarth for an extraordinary job, especially in view of the fact that everyone was working against a very tight deadline in order to present this material to the Board of Trustees at its February meeting, and thereafter, to the federal government. The Senate responded to these remarks with a round of applause for Professor Wilmarth.

III. RESOLUTION 04/7, "A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY"

On behalf of the Fiscal Planning and Budgeting Committee (FP&B), Professor William Griffith, Chair, introduced Resolution 04/7. He explained that the University budget cycle, as presently constructed, in combination with the Administration's current budget strategy of requiring deans in most schools to sequester 1% of their expense budgets for possible reallocation to strategic initiatives, leaves the deans of the Schools with a very short time frame in which to identify areas in which their budgets can be cut. One result is that the Faculty Code provision requiring that faculty be consulted when, as here, cuts are being made in programs and staffing, is being regularly thwarted. As deans cannot make these budget cuts by percentage amounts, it is necessary for them to identify programs to be cut or eliminated, and because of the short time allowed for these decisions, faculty are not consulted before these decisions are made. While the Resolution does not attack the University's budgeting strategy as such, one intent of the Resolution is to urge change in the budget process to provide more time by giving more advance notice to deans, but a second intent is to encourage the deans to carry through on their responsibility to involve the faculty in discussions of this sort. Following Professor Griffith's remarks, the question was called, a vote was taken, and Resolution 04/7 was adopted. (Resolution 04/7 is attached.)

Professor Griffith then moved to a short discussion of the FP&B Committee's Special Report on FY 2005 Five-Year Operating and Capital Budgets which was appended to Resolution 04/7 and circulated with the meeting agenda. Professor Griffith began by thanking Professor Packer, who was unable to attend the meeting, for undertaking most of the work involved in putting together the report with information supplied by Associate Vice President for Budget Don Boselovic.

Professor Griffith moved quickly through an outline of the Special Report, observing that the total revenue and expense picture for the University is fairly stable. A bright spot in the report is the section outlining expenditures (and changes in expenditures) for research, which have increased considerably; this is a positive development in GW's quest to move in the direction of becoming a Research I University.

Professor Griffith then commented on the section of the Special Report dealing with the Operating Budget of the University. In a climate where the Treasurer's Office is providing less detailed information on the budget than before, it is difficult for the Committee to track specific kinds of expenditures, as in many cases the categories used to detail expenses do not break out which portion of the budget is actually devoted to academic expenses. As an example of this, Professor Griffith said that salaries and wages are reported in one category, and it is not discernible whether these are administrative or faculty expenditures.

As noted before, GW is a tuition-dependent entity; in fact it is more heavily tuition-dependent than other schools which are considered part of its "market basket." (Item A on page 5 of the Special Report.) While the proposed budget includes over $48 million in new funding as outlined in Item B on page 6 of the Special Report, again, it is difficult, using the budget office's categories, to ascertain how much money is being devoted to new kinds of academic programs as opposed to other uses, some of which may very well support the

academic enterprise, as President Trachtenberg has noted in correspondence with Professor Wilmarth.

Professor Griffith then turned to the portion of the Special Report pertaining to the University's debt service, which will increase from nearly $30 million in FY 2004 to approximately $48 million in FY 2005 – a 62% increase.

As FP&B has examined the budget process, it has become clear that the Treasurer's Office regularly builds in a very comfortable margin when it budgets for interest on the University's debt. This is done because the University has a large amount of variable rate debt and it must be protected against rising interest rates. What is not so clear in the budgeting process is what happens to unspent funds when, for example, the University budgets 6% per year against possible interest rate increases, and interest rates do not rise as expected. The question is, what happens to those funds if interest rate increases are not in fact realized. This year, for example, in addition to assuming a high rate of interest in the "debt service" account, the budget also includes a special "interest reserve" of $1.9 million; both may be more than is needed for that purpose. How would this surplus then be reallocated by the Treasurer's Office?

Another question raised by some of the data in the Special Report appears in one of the notes on proposed projects, which earmarks $2.5 million to renovate space at the Virginia campus to accommodate the relocation of administrative staff from Foggy Bottom. If funds can be devoted to this, it is a good question why there isn't money available to renovate on-campus facilities for additional classroom space that is sorely needed.

Professor Griffith then turned to the debt management summary portion of the Special Report, which shows that debt funded by specific revenue sources (e.g. a residence hall) has increased; however, from FY 1999 to FY 2004, the debt funded by general revenue which represents funds drawn from the general budget has increased significantly.

Professor Wilmarth said it appeared to him that the University's debt was now roughly equivalent to the value of the University's endowment and he asked if this was cause for concern. He said the Report's figures indicated that back in FY 1999, the debt-to-endowment ratio had been approximately 1:2, but this ratio increased to approximately 1:1 by FY 2004. Professor Griffith responded by referencing Vice President and Treasurer Louis Katz's last presentation to the Senate. A chief reason for taking on more debt, according to Vice President Katz, is that GW has now increased its tuition to the point where it is one of the most expensive universities, and it cannot continue to increase revenue by raising tuition. At the same time, it is very important for GW to try to build on the momentum it has, and to do this it is necessary to rely very considerably on debt to try to build and provide new facilities for the University. Looking at the long-range picture, growth in enrollment at both the undergraduate and graduate levels is projected, albeit slower growth than in the last several years. Thus, although the level of debt relative to the University's assets (a more significant ratio than to its endowment) has certainly grown and poses some risks, the FP&B Committee understands the Administration's position that not borrowing to build more capacity poses risks as well. This is particularly true since the University appears to have expanded enrollment beyond our present instructional and housing capacity.

Following up on Professor Wilmarth's concern about the University's debt to endowment ratio, Professor Wirtz asked why Moody's investment rating firm was not interested in this question. Vice President Lehman said that the reason Moody's gives GW a positive rating is because of the demand to attend the University, and as this is high, the firm is comfortable with the debt structure GW currently has.

Professor Griffith wryly observed that Moody's might be satisfied with the University's debt management picture, but this did not necessarily mean that the faculty should be happy with the amount of burden that is being placed on the general budget to carry the increased debt service. Professor Cordes, a member of the FP&B Committee then initiated a short discussion with Vice President Lehman on requirements by the District of Columbia that GW house a certain percentage of its students within campus boundaries, and what might happen if the University could no longer house students at the Hall on Virginia Avenue (HOVA). Vice President Lehman said that he had talked to Senior Vice President for Student and Academic Support Services Chernak on this point and that Vice President Chernak had said he thought that even if GW was no longer able to use HOVA, it would be very close to meeting D.C.'s requirements.

Lastly, Professor Griffith reviewed some of the data on enrollment statistics, noting the University's increased selectivity in admissions and the very healthy number of applications despite this.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINEES FOR ELECTION OF MEMBERS TO FACULTY SENATE STANDING COMMITTEES

Professor Wilmarth moved the election of Professors Christopher H. Sterling and Richard M. Robin as faculty Co-Chairs of the Libraries Committee. The nominations were approved unanimously.

II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Wilmarth presented the Report of the Executive Committee, which is enclosed.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Briscoe inquired about the status of plans for usage of the old GW Hospital site, particularly for construction of a new science building as discussed in the Senate last year. Vice President Lehman recommended that Senate members read the article on this subject in the latest issue of By George, as it sets forth fully what has transpired to date.

Professor Wilmarth noted that Trustee Russell Ramsey is the Chair of the Special Committee on Real Estate of the Board of Trustees, and this group is very closely involved in

the development of plans for the old Hospital site. On behalf of the Executive Committee, Professor Wilmarth wrote to Mr. Ramsey in December, informing him that the Senate had expressed a preference for construction of a science building as a top priority when considering alternatives for use of the Old Hospital Site. The letter urged Mr. Ramsey and the Committee to include a classroom and research component as part of the new project, and expressed the Executive Committee's willingness to meet with Mr. Ramsey. Professor Wilmarth said he would be willing to provide a copy of the Executive Committee's letter to Senate members if they wished. (The letter is attached in response to requests from Professors Briscoe and Griffith.)

Vice President Lehman briefed the Senate on the status of committee appointments to three committees. He said he had just sent the charge that morning to the committee examining classroom availability and scheduling. Associate Vice President Jean Folkerts was asked to Chair and serve as Convener of the Committee. Associate Vice President Linebaugh and Registrar Amundson will serve as administrative appointees; as will Dean William Frawley (CCAS). Faculty members include Professors Joseph Cordes, Chris Deering, Linda Gallo, William Griffith, Ralph Mueller, Robbie Robinson, Gary Simon, and Laura Youens. Vice President Lehman added that he hoped if at all possible the group would be able to complete their work sometime in early April.

Vice President Lehman said that he has not yet constituted the Committee to review the Sexual Harassment Policy, as he has not yet received the names of students to serve on the Committee. The same is true of the Committee which is to study the 4 x 4 curriculum. For both groups, he said he has received the names of Senate appointees, and as these groups need to be constituted very soon, he is hopeful the Committees will be fully staffed in the very near future.

Professor Griffith inquired whether the Libraries Committee had agreed to the DVD merchandising and the new Starbucks Coffeeshop in the Gelman Library. Librarian Jack Siggins was present and confirmed that the trend that faculty is observing is an effort to generate income; this type of activity is becoming more common in professional, public, and academic libraries. While such commercial activity is outside the model of traditional academic libraries, and these developments are not without controversy, Gelman library staff are experimenting with some new approaches, and even allowing beverages into the stacks, in an effort to keep the Library as welcoming and user-friendly as possible while still maintaining the integrity of the collections.

ADJOURNMENT

There being no further business before the Senate, and upon motion made and seconded, the meeting was adjourned at 4:40 p.m.

Elizabeth A. Amundson
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Secretary

A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY POLICY AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH MISCONDUCT (04/5)

WHEREAS, in Resolution 03/8, adopted on March 12, 2004, the Faculty Senate expressed its support for "The George Washington University Policy and Procedures Regarding Allegations of Scientific Misconduct," with the understanding that such Policy and Procedures would be adopted on an interim basis until final Policy and Procedures were reported favorably to the Faculty Senate by the Faculty Senate Committee on Professional Ethics and Academic Freedom (PEAF); and

WHEREAS, in adopting Resolution 03/8, the Faculty Senate was advised that the interim Policy and Procedures were required to bring the University's sponsored research programs into compliance with regulations issued by the Office of Research Integrity (ORI) of the U.S. Public Health Service in 42 Code of Federal Regulations Part 50, Subpart A;

WHEREAS, the PEAF Committee and members of the University Administration have completed their review of the interim Policy and Procedures and have also considered proposed regulations issued by ORI in April 2004 (69 Federal Register 20777), which would make a number of amendments to 42 Code of Federal Regulations Part 50, Subpart A, as well as ORI's model policy and procedures regarding allegations of research misconduct;

WHEREAS, the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should reflect pending amendments proposed by ORI, so that (1) the final Policy and Procedures will be designated as "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," and (2) the nature of the misconduct covered therein will be defined as "research misconduct" rather than "scientific misconduct," in order that the final Policy and Procedures will apply to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results in all fields of scholarly inquiry; and

WHEREAS, in accordance with views expressed during the Faculty Senate's discussion of Resolution 03/8, the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should provide persons accused of research misconduct ("respondents") with the right to be fully advised of the nature of the charges against them and the right to be heard in connection with any informal inquiry and/or formal investigation into such charges;

WHEREAS, to provide respondents with the procedural protections referred to in the preceding paragraph, the final Policy and Procedures endorsed by the PEAF Committee (after consultation with members of the University Administration) provide each respondent with the following additional rights that were not contained in the Interim Policy and Procedures:

(i) the right to have the respondent's own counsel present at interviews or meetings conducted during an informal inquiry or formal investigation (Part IV.C.);

(ii) the right to receive written notice of the initiation of an informal inquiry, including a clear identification of each allegation of research misconduct (Part V.A.);

(iii) the option to require the University to conduct an informal inquiry by appointing a committee of at least three qualified individuals to perform the inquiry in place of the Associate Vice President for Health Research, Compliance, and Technology (Part V.D.);

(iv) the requirement that Administration officials will consult with the following faculty representatives in designating the members of an informal inquiry committee or a formal investigation committee, and in considering any challenges by the respondent to members of those committees: (i) in all cases, the Chairs of the Faculty Senate Executive Committee and the Faculty Senate Research Committee will be consulted, and (ii) in cases where the suspected or alleged research misconduct involved a field of study in which persons associated with the Medical Center are actively engaged, the Chair of the Basic Science Faculty Assembly of the Medical Center and a faculty member designated in collaboration with the President of Medical Faculty Associates, Inc. will also be consulted (Parts V.D. and VII.C.);

(v) the right to receive a copy of the charge given by the Associate Vice President for Health Research, Compliance, and Technology to a formal investigation committee (Part VII.D.1.);

(vi) the requirement that the draft report prepared by a formal investigation committee must provide a detailed description of all testimony and other evidence upon which the committee intends to rely in making its findings (Part VIII.A.1.);

(vii) the right of a respondent, before submitting comments on the investigation committee's draft report, to obtain copies of all testimonial and documentary evidence referred to in such report (Part VIII.A.1.);

(viii) the requirement that the investigation committee's final report must provide a detailed description of the testimony and other evidence supporting the committee's findings (Part VIII.B.);

(ix) the requirement that the Associate Vice President for Health Research, Compliance, and Technology must provide a copy of the University's final decision to the respondent (Part VIII.D.);

(x) the requirement that any disciplinary actions taken by the University against a respondent must be consistent with the Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff or, in the case of a student, the Guide to Student Rights and Responsibilities (Part XI);

(xi) the requirement that, if the University finds no misconduct and ORI concurs: (A) the Administration will consider appropriate efforts, in consultation with the respondent, to address concerns relating to the respondent's reputation and public knowledge of the inquiry and/or investigation conducted by the University, including the University's publication of the final outcome in scholarly and professional journals and other appropriate forums, and (B) upon request from elected faculty representatives or other University officials, the Administration will consider additional measures to address the respondent's concerns, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities (Part XII.B.); **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

(1) That the Faculty Senate endorses the "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," in the form attached to this Resolution as Exhibit A; and

(2) That the Faculty Senate understands and expects that any proposed future amendments to the attached Policy and Procedures will be presented to the Faculty Senate for its review and endorsement in keeping with the procedures leading to the adoption of Resolution 03/8 and this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom
January 10, 2005

Adopted, with the underlying document as amended, January 21, 2005

Adopted, as amended, January 21, 2005 pursuant to
Faculty Senate Resolution 04/5

The George Washington University
Policy and Procedures Regarding Allegations of Research Misconduct

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I. Introduction

A. General Policy

The research mission of The George Washington University is to create and synthesize knowledge at the frontiers of our understanding and to use that knowledge to address issues of increasing complexity in our world, while strengthening the necessary ties between teaching and research. In pursuing this mission, the University attempts to promote and to conform to the highest standards of ethical research and scholarly conduct.

B. Scope

This policy and the associated procedures apply to all individuals at GW engaged in research, research-training or research-related grant or cooperative agreements. More specifically, this policy applies to any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at or with GW.

This policy and associated procedures will normally be followed when an allegation of possible misconduct in research is received by a GW official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of GW and any applicable outside agency. Any change from normal procedures will maintain fair treatment to the subject of the inquiry or investigation. Any significant variation from the normal procedure set forth in this policy requires the approval of the Associate Vice President for Health Research.

II. Definitions of Terms Used in this Document

A. *Allegation* means any written or oral statement or other indication of possible research misconduct made to a GW official.

B. *Complainant* means a person who in good faith makes an allegation of research misconduct.

C. *Conflict of interest* means the real or apparent interference of one person's outside interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

D. *Good faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for, or willful ignorance of, facts that would disprove

the allegation.

E. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct has substance and warrants an investigation.

F. *Investigation* means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a finding of research misconduct or other appropriate remedies, including administrative actions.

G. *Investigators* means any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians, and other staff members, students, fellows, guest researchers, or collaborators at or with GW.

H. *MFA Representative* means the President of Medical Faculty Associates, Inc. or, if that person is not a faculty member, a faculty member designated jointly by the President of Medical Faculty Associates, Inc. and the Associate Vice President for Health Research, Compliance, and Technology Transfer.

I. *Medical Center-related case* means a case involving suspected or alleged research misconduct occurring in a field of study in which persons associated with the Medical Center are actively engaged.

J.. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.

K.. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.

L. *PHS regulation* means the Public Health Service regulation establishing standards for GW inquiries and investigations into allegations of research misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science," or as amended.

M. *PHS support* means PHS grants, contracts, or cooperative agreements or applications therefor.

N. *Preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

O. *Research misconduct or misconduct in research* ~~means~~ includes, without limitation, fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research or in reporting research results. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research or scholarly community; that the research misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of the evidence. It does not include honest error or honest differences in interpretations or judgments of data.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

P. *Research record* means any data or results that embody the facts resulting from scholarly inquiry including, but not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files. "Data or results" shall be interpreted broadly to encompass all forms of scholarly information about the research at issue without regard to the type of recording or storage media, including, but not limited to, raw numbers, field notes, interviews, notebooks and folders, laboratory observations, computers and other research equipment, CD-ROMs, hard drives, floppy disks, Zip disks, back-up tapes, machine counter tapes, research interpretations and analyses, tables, slides, photographs, charts, gels, individual facts, statistics, tissue samples, reagents, and documented oral representations of research results.

Q. *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation, and, if there are multiple respondents, all references in this policy to "respondent" shall also be read in the plural as appropriate.

R. *Retaliation* means any action that adversely affects the employment or other GW or professional status of an individual that is taken by an institution or another individual (e.g., respondent) because the first individual has in good faith made an allegation of research misconduct or of inadequate GW response thereto or has

cooperated in good faith with an investigation of such allegation.

III. Rights and Responsibilities

A. Associate Vice President for Health Research, Compliance, and Technology Transfer

The Associate Vice President for Health Research, Compliance, and Technology Transfer (hereinafter "Associate Vice President for Health Research") will have primary responsibility for implementation of the procedures set forth in this document. The Associate Vice President for Health Research is a GW official who is qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Associate Vice President for Health Research will conduct the inquiry (except as provided in Part V.D.) and oversee the investigation committee, with consideration that necessary and appropriate expertise may be appropriate to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Associate Vice President for Health Research will maintain the confidentiality of the proceedings, consistent with this policy and other applicable policies and law. The Associate Vice President for Health Research may, in his or her discretion, be assisted in fulfilling these responsibilities.

The Associate Vice President for Health Research will assist the investigation committee and GW personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Associate Vice President for Health Research is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors in accordance with applicable laws, regulations, and research funding agreements. In particular, the Associate Vice President for Health Research will, to the extent and in the manner required by applicable law and regulations, report to ORI and keep ORI apprised of any developments during the course of the inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

In the event that the Associate Vice President for Health Research is unable to fulfill any of the responsibilities set forth herein for any reason, such responsibilities

will be fulfilled by the Associate Vice President for Research and Graduate Studies.

B. Complainant

The complainant will have an opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Associate Vice President for Health Research has determined that the complainant may be able to provide pertinent information on any portions of the draft report; these portions will be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

C. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review the draft inquiry and investigation reports and to submit comments before those documents are issued in final form.

The respondent is responsible for answering an inquiry or investigation truthfully and in good faith, maintaining confidentiality and cooperating with the conduct of an inquiry or investigation, and not retaliating against any individual. If the respondent is not found guilty of research misconduct, he or she has the right to request GW's consideration of reasonable steps to address any concerns regarding his or her reputation , as provided in Part XII(B).

D. Executive Vice President for Academic Affairs

The Executive Vice President for Academic Affairs will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Executive Vice President for Academic Affairs will consult with the Associate Vice President for Health Research or other appropriate officials and will determine whether to conduct an investigation after receipt of an inquiry report, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with The George Washington University (GW) should report observed, suspected, or apparent misconduct in research to the Associate Vice President for Health Research. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may call the Associate Vice President for Health Research at (202-994-2995) to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, but do raise other legitimate concerns, the Associate Vice President for Health Research will refer the individual or allegation to other offices or officials with responsibility for addressing the concerns.

At any time, an employee may have confidential discussions and consultations about concerns of possible research misconduct with the Associate Vice President for Health Research and will be counseled about appropriate procedures for reporting allegations. The Associate Vice President for Health Research, upon request, will arrange for University counsel to provide information to employees regarding the provisions of this policy and applicable laws and regulations.

B. Protecting the Complainant

The Associate Vice President for Health Research will also be available to receive complaints regarding the treatment of individuals who bring allegations of research misconduct or of inadequate GW response thereto, and those who cooperate in inquiries or investigations. The Associate Vice President for Health Research will communicate that such persons should not be retaliated against in the terms and conditions of their employment or other status at the institution and will be available to review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the Associate Vice President for Health Research.

GW is also committed to protecting the privacy of those who report misconduct in good faith to the maximum extent possible. If a complainant requests anonymity, GW will make an effort to honor the request during the allegation assessment or inquiry; however, if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity will no longer be available.

C. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that is designed to provide fair treatment to the respondent(s) in the inquiry or investigation and

confidentiality to the extent possible without compromising public health and safety or the thoroughness of the inquiry or investigation.

Individuals accused of research misconduct may, at their own expense, consult with legal counsel or a non-lawyer personal adviser (who is not a witness or University official involved or to be involved in the case) in an advisory capacity. Legal counsel and advisors will be permitted to be present at interviews or meetings conducted during an inquiry or investigation.

D. Cooperation with Inquiries and Investigations

GW Investigators have an obligation to provide relevant evidence to the Associate Vice President for Health Research or other GW officials in the conduct of inquiries or investigations into misconduct allegations.

E. Preliminary Assessment of Allegations

Upon receiving an allegation of research misconduct, the Associate Vice President for Health Research will promptly assess the allegation to determine whether there is sufficient evidence to warrant an inquiry and whether the allegation falls under the definition of research misconduct as set forth above.

F. Legal Counsel for University Officials and Entities

The Associate Vice President for Health Research, an informal inquiry committee (if requested by the respondent), an investigation committee, and all other University officials and entities may seek the advice and/or representation of University-provided legal counsel on any and all aspects and at any stages of this policy.

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

Following a preliminary assessment, if the Associate Vice President for Health Research determines that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified and falls under the definition of research misconduct as set forth above, he or she will promptly initiate an informal inquiry. The Associate Vice President for Health Research will provide written notice of the inquiry to the respondent. In initiating the inquiry, and in providing notice to the respondent, the Associate Vice President for Health Research will clearly identify the original allegation and any related issues. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine

whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is **not** to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry will be set forth in an inquiry report.

B. Sequestration of the Research Records

After initiating an inquiry, the Associate Vice President for Health Research will ordinarily attempt promptly to secure all original research records and materials relevant to the allegation in a confidential manner.

C. Inquiry Process

The Associate Vice President for Health Research will interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. The Associate Vice President for Health Research will consider whether additional expertise, either internal or external, is appropriate to permit a proper evaluation of the relevant evidence in the inquiry. The respondent may also request that additional outside expertise be consulted. If internal or external expertise is deemed warranted, individuals with such expertise will only include those without any real or apparent conflicts of interest in the subject matter of the inquiry or any participants involved in the inquiry. The Associate Vice President for Health Research will formulate a recommendation regarding whether there is sufficient evidence of possible research misconduct to warrant further investigation. The scope of an inquiry will not include a determination of whether misconduct occurred or conducting exhaustive interviews and analyses.

D. Appointment of Inquiry Committee at the Option of the Respondent

Upon the written request of the respondent, which must be filed within five (5) business days after the respondent's receipt of notice of the inquiry, the Associate Vice President for Health Research will consult with the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, and will appoint a committee to perform the informal inquiry described in this Part V and to prepare the inquiry report described in Part VI. The Associate Vice President for Health Research will designate one member of the inquiry committee to act as the chair. The inquiry committee will consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to conduct the informal inquiry. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they

may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed inquiry committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the inquiry committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

If an inquiry committee is appointed, the committee (under the direction of its chair) will be responsible for taking each of the actions related to the informal inquiry and for preparing the inquiry report that the Associate Vice President for Health Research would otherwise be required to take under Part V(C) and Parts VI(A), VI(B), VI(C)(1), and VI(D). The inquiry committee may request advice from the Associate Vice President for Health Research in carrying out its responsibilities.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report will be prepared by the Associate Vice President for Health Research that states the specific allegations, the identity of each expert or consultant who participated in the inquiry; the PHS support, if any; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in appropriate detail; and a recommendation as to whether an investigation should be conducted, and whether any other actions should be taken if an investigation is not recommended.

B. Comments on the Draft Report by the Respondent and the Complainant.

The Associate Vice President for Health Research will provide the respondent with a copy of the draft inquiry report for comment, and will provide the complainant, if he or she is identifiable and if deemed appropriate by the Associate Vice President for Health Research, with a summary of the inquiry findings for comment.

1. Confidentiality

The Associate Vice President for Health Research will establish reasonable conditions for review to protect the confidentiality of the draft report.

2. Receipt of Comments

The complainant and respondent will provide their comments, if any, to the Associate Vice President for Health Research promptly (usually within fourteen (14) calendar days of their receipt of the draft report). Any comments that the complainant or respondent submits regarding the draft report will become part of the final inquiry report and record. Based on any timely received comments, the Associate Vice President for Health Research will revise and finalize the draft report accordingly.

C. Inquiry Decision and Notification

1. Decision by Executive Vice President for Academic Affairs

The Associate Vice President for Health Research will transmit the final report with his or her recommendations to the Executive Vice President for Academic Affairs. The Executive Vice President for Academic Affairs will make a determination of whether findings from the inquiry provide probable cause to believe that research misconduct has occurred in order to justify conducting an investigation and/or whether other actions are appropriate. The inquiry is completed when the Executive Vice President for Academic Affairs makes this determination.

2. Notification

The Associate Vice President for Health Research will notify both the respondent and the complainant in writing of the decision of the Executive Vice President for Academic Affairs as to whether to proceed to an investigation. The Associate Vice President for Health Research will also notify all appropriate GW officials of the decision.

D. Time Limit for Completing the Inquiry Report

The Associate Vice President for Health Research and Technology should ordinarily complete the inquiry and submit his or her report in writing to the Executive Vice President for Academic Affairs in no more than sixty (60) calendar days following the initiation of the inquiry, unless circumstances warrant a longer period. The respondent may request such an extension for good cause. If an inquiry takes longer than 60 days, the circumstances warranting a longer period will be entered into the records of the case and the inquiry report.

VII. Conducting an Investigation

A. Purpose of an Investigation

The purpose of an investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B. Sequestration of the Research Records

If there are any additional pertinent research records that were not previously secured during the inquiry, the Associate Vice President for Health Research should promptly secure such records in a confidential manner. The need for additional sequestration of records may occur for any number of reasons, including GW's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured.

C. Appointment of the Investigation Committee

The Associate Vice President for Health Research will consult the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, and will appoint an investigation committee and the committee chair following notification to the respondent that an investigation is planned. The investigation committee will consist of at least three individuals who do not have real or apparent conflicts of

interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the investigation committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The Associate Vice President for Health Research will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The Associate Vice President for Health Research will provide the respondent with a copy of the charge to the committee.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Associate Vice President for Health Research, who will provide the respondent with

notice of any new subject matter of the investigation and will determine whether it is necessary to notify additional respondents of the commencement of an inquiry as to possible research misconduct by them.

2. The First Meeting

The Associate Vice President for Health Research will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, where PHS funding is involved, the PHS regulation.

E. Investigation Process

The investigation committee will ordinarily be appointed and the investigation process initiated within thirty (30) days of the completion of the inquiry by the Executive Vice President for Academic Affairs, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all relevant documentation including, as applicable, but not necessarily limited to, research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee will interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should ordinarily be tape recorded or transcribed. All other interviews should ordinarily be transcribed, tape recorded, or summarized. For major witnesses, summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

VIII. The Investigation Report

A. Comments on the Draft Report

1. Respondent

The Associate Vice President for Health Research will provide the respondent with a copy of the draft investigation report for comment. The draft investigation report will provide a detailed description of all testimony and other evidence upon which the investigation committee intends to rely in making its findings. Within four (4) business days after receipt of the

draft report, the respondent may submit a written request for copies of summaries or transcripts of testimony and copies of other documentary evidence cited in the draft report. The respondent will be permitted fourteen (14) business days from receipt of the draft investigation report or ten (10) business days from the receipt of requested copies of summaries or transcripts of testimony and/or copies of other documentary evidence, whichever is later, to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report will take into account the respondent's comments in addition to all the other evidence.

2. Complainant

The Associate Vice President for Health Research will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report will take into account, as appropriate, the complainant's comments.

3. Confidentiality

In distributing the draft report, or portions thereof, or copies of testimony or other evidence referred to therein, to the respondent and complainant, the Associate Vice President for Health Research will inform the recipient of the confidentiality under which the draft report and all such evidence are made available and may establish reasonable conditions to address such confidentiality. The recipient(s) of the draft report and all evidence made available may be requested to sign a confidentiality statement or to comply with other measures to protect the confidentiality of the draft report.

B. Elements of the Investigation Report

The final report, to be submitted to ORI only when PHS funding is involved, will describe the policies and procedures, under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, provide a detailed description of the testimony and other evidence supporting the investigation committee's findings, state the findings, and explain the basis for the findings. A finding of research misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community; and (2) the misconduct be committed intentionally, or knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as recommendations for actions to redress the consequence of the misconduct, if demonstrated, in

accordance with the provisions of the **Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the Guide to Student Rights and Responsibilities.

C. Transmittal of the Final Investigation Report to Executive Vice President for Academic Affairs

After comments have been received and the necessary changes have been made to the draft report, the investigation committee ~~should~~ will transmit the final report with attachments, including the respondent's and complainant's comments, to the Executive Vice President for Academic Affairs.

D. GW Review and Decision

The Executive Vice President for Academic Affairs will make the final determination whether to accept the investigation committee's report, its findings, and any recommendations, including any recommendations for actions to redress the consequence of the misconduct in accordance with the **Faculty Code** or the **Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the **Guide to Student Rights and Responsibilities.** If this determination varies from that of the investigation committee, the Executive Vice President for Academic Affairs will explain the basis for rendering a decision different from that of the investigation committee in the letter that GW will transmit with the report to ORI in cases of PHS-funded research. The explanation of the Executive Vice President for Academic Affairs will be consistent with the definition of research misconduct set forth above, the policies and procedures of GW, and the evidence reviewed and analyzed by the investigation committee. The Executive Vice President for Academic Affairs may also return the report to the investigation committee with a request for further fact-finding or analysis. The determination of the Executive Vice President for Academic Affairs, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Associate Vice President for Health Research will notify both the respondent and the complainant in writing. The Associate Vice President for Health Research shall provide a copy of the final written decision to the respondent. In addition, the Executive Vice President for Academic Affairs will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Associate Vice President for Health Research is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

E. Time Limit for Completing the Investigation Report

An investigation ~~should~~ shall ordinarily be completed within one hundred and twenty (120) days of the first meeting of the investigation committee.~~)~~ This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Executive Vice President for Academic Affairs for final decision, and submitting the report to the ORI when PHS funding is involved. The Executive Vice President for Academic Affairs ~~should~~ shall ordinarily issue a final decision within thirty (30) days after receiving the investigation report.

IX. Requirements for Reporting to ORI

A. When PHS funding is involved, GW's decision to initiate an investigation will be reported in writing to the Director of the ORI, on or before the date of the first meeting of the investigation committee. At a minimum, the notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of research misconduct set forth above, and the PHS applications or grant number(s) involved. ORI will also be notified of the final outcome of the investigation and will be provided with a copy of the investigation report. Any significant variations from the provisions of GW's GW policies and procedures will be explained in any reports submitted to ORI.

B. ~~If~~ In the event that GW plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the Associate Vice President for Health Research will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.

C. In the event that GW determines that it will not be able to complete the investigation relating to PHS-funded research in one hundred and twenty (120) days, the Associate Vice President for Health Research will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Associate Vice President for Health Research will file periodic progress reports as requested by the ORI.

D. When PHS funding or applications for funding are involved and an admission of research misconduct is made, the Associate Vice President for Health Research will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct.

E. The Associate Vice President for Health Research will notify ORI at any stage of the inquiry or investigation if:

1. there is an immediate health hazard involved;

2. there is an immediate need to protect Federal funds or equipment;

3. there is an immediate need that could be addressed by PHS to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;

4. it is probable that the alleged incident is going to be reported publicly; or

5. the allegation involves a public health sensitive issue, *e.g.*, a clinical trial; or

6. there is a reasonable indication of possible criminal violation. In this instance, GW will ordinarily inform ORI within 24 hours of obtaining that information.

X. Requirements for Reporting to Other Agencies

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors other than DHHS in accordance with applicable laws, regulations, and research funding agreements.

XI. GW Administrative Actions

GW will take appropriate administrative actions against individuals when an allegation of research misconduct has been substantiated. If the Executive Vice President for Academic Affairs determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Associate Vice President for Health Research. The actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found.

- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment, provided such actions are consistent with the **Faculty Code** or **the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the

case of a student, the **Guide to Student Rights and Responsibilities**;

- restitution of funds as appropriate.

XII. Other Considerations

A. Termination of GW Employment or Affiliation Prior to Completing Inquiry or Investigation

The termination of the respondent's GW employment or affiliation, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the Associate Vice President for Health Research or the investigation committee, as appropriate, will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

B. Restoration of the Respondent's Reputation

If GW finds no misconduct, and, after an investigation, ORI concurs, the Associate Vice President for Health Research will consider appropriate efforts, in consultation with the respondent, to address any concerns relating to the respondent's reputation and any public knowledge of the inquiry and/or investigation conducted by GW. Depending on the particular circumstances, the Associate Vice President for Health Research should consider such actions as notifying those individuals aware of or involved in the inquiry and/or investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized or in other forums reasonably requested by the respondent (including relevant scholarly journals and publications of relevant academic or professional organizations) , and including clear reference to findings of no research misconduct in the respondent's official personnel file. Any GW actions to address the respondent's reputation may be discussed with the Executive Vice President for Academic Affairs. In response to reasonable requests from elected faculty representatives or other University officials, the Executive Vice President for Academic Affairs will give careful consideration to additional measures to address concerns of the respondent relating to the consequences of the inquiry and/or investigation conducted by GW, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities.

C. Protection of the Complainant and Others

Regardless of whether GW or ORI determines that research misconduct occurred, the Associate Vice President for Health Research will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Executive Vice President for Academic Affairs will determine, after consulting with the complainant, what steps, if any, are appropriate to protect the position or reputation of the complainant. The Associate Vice President for Health Research will be responsible for coordinating such steps, in consultation with the Executive Vice President for Academic Affairs. The Associate Vice President for Health Research will also take appropriate steps during the inquiry and investigation to prevent any known or reasonably suspected retaliation against the complainant.

D. Allegations Not Made in Good Faith

If relevant, the Associate Vice President for Health Research will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Associate Vice President for Health Research will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

GW officials will take interim administrative actions, as appropriate, to protect Federal funds, protect ongoing research activities, and ensure that the purposes of the Federal financial assistance are carried out.

XIII. Record Retention

After completion of a case and all ensuing related actions, the Associate Vice President for Health Research will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to ~~the~~ him or her or to the investigation committee. The Associate Vice President for Health Research ~~and Technology~~ will keep the file for seven years after completion of the case or the completion of any PHS proceeding involving the research misconduct allegation, whichever is later. ORI or other authorized DHHS personnel will be given access to the records upon request, for cases related to PHS funding.

Resources:

- Federal Policy on Research misconduct—www.ostp.gov/html/001207_3.htm
- Model Policy for Responding to Allegations of Research misconduct –http://ori.dhhs.gov
- PHS Regulations—42 CFR 50.101 et seq.
- PHS Proposed Rules, Federal Register, Vol. 69, No. 74

A RESOLUTION TO ENDORSE REVISED DISCLOSURE FORMS AND CONFORMING CHANGES TO THE GEORGE WASHINGTON UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT (04/6)

WHEREAS, federal requirements regarding conflicts of interest pertaining to federally-sponsored research were first addressed in The George Washington University Policy on Conflicts of Interest in Federally Funded Research (1995); and

WHEREAS, this policy was superseded by The George Washington University Policy on Conflicts of Interest and Commitment (1998) (hereinafter the "Policy on Conflicts of Interest"), whose scope included not only research conflicts of interest but other conflicts of interest and commitment involving faculty members and persons responsible for the design, conduct, or reporting of externally funded programs (hereinafter "Investigators"); and

WHEREAS, the Policy on Conflicts of Interest was amended in May 2004, in order to bring the Policy into compliance with applicable federal regulations concerning conflicts of interest in externally-sponsored research; and

WHEREAS, the University Administration has proposed two revised disclosure forms, pursuant to the Policy on Conflicts of Interest, to be completed by (1) faculty members and Investigators in connection with their annual reports to the University, and (2) faculty members and Investigators in connection with proposals for external funding (hereinafter "Disclosure Forms"); and

WHEREAS, representatives of the Faculty Senate Committee on Professional Ethics and Academic Freedom and the Faculty Senate Committee on Research have met with Administration representatives and, after making modifications, have agreed to the contents of the revised Disclosure Forms: and

WHEREAS, representatives of the foregoing Senate Committees and the Administration have also agreed on technical changes to the Policy on Conflicts of Interest in order to make appropriate references to the revised Disclosure Forms; and

WHEREAS, the Policy on Conflicts of Interest, marked to show the agreed technical changes, is attached to this Resolution as Exhibit A; and

WHEREAS, the revised Disclosure Forms agreed to by representatives of the foregoing Senate Committees and the Administration are attached hereto as Exhibits B and C; and

WHEREAS, the Faculty Senate believes that the technical changes to the Policy on Conflicts of Interest and the revised Disclosure Forms are consistent with the best interests of the University and its faculty; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

(1) That the Faculty Senate hereby endorses the proposed technical changes to the Policy on Conflicts of Interest, as shown on Exhibit A attached to this Resolution; and

(2) That the Faculty Senate hereby endorses the revised Disclosure Forms as referenced in Part IV.A. of the Policy on Conflicts of Interest and attached to this Resolution as Exhibits B and C; and

(3) That the Faculty Senate expects that, consistent with the procedures described above, future amendments to the Policy on Conflicts of Interest and the Disclosure Forms will be presented to the Faculty Senate for its review and recommendations prior to the adoption thereof by the University.

Faculty Senate Committee on Professional Ethics and Academic Freedom
Faculty Senate Committee on Research
January 13, 2005

Adopted, with the underlying documents as amended, January 21, 2005

Adopted January 21, 2005, pursuant to Faculty Senate Resolution 04/6

Exhibit A

Changes Submitted for Endorsement by Faculty Senate 1/21/05

POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR FACULTY AND INVESTIGATORS

The George Washington University

Contents

I. General Statement
II. Consulting, Other Professional Activities, and Research Support from Outside Entities
III. Reportable Interests
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Disclosure Forms

I. GENERAL STATEMENT

A. Purpose and scope of policy.

This Policy is designed to assist faculty and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. For purposes of this Policy, the terms "Faculty" and "Faculty Member" mean those individuals defined in the Faculty Code, pages 1 and 2, section I, subsection B, items 1, 3, and 4, and the term Investigator refers to any person responsible for the design, conduct or reporting of externally sponsored University research, including without limitation Research Scientists, Senior Research Scientists and Lead Research Scientists.

B. Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a Faculty Member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a Faculty Member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the Faculty Member.

Conflicts of interest may occur when there is a divergence between a Faculty Member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the Faculty Member due to external commitments (for example, when a Faculty Member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);

2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a Faculty Member or Investigator inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial

benefit to the Faculty Member, Investigator or a third party; or receives outside financial incentives that distort scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that the University endorses or is connected to an outside activity);

3. the Faculty Member's or Investigator's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a Faculty Member or Investigator hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.; or when a Faculty Member, Investigator or his or her immediate family member is a founder, board member or equity stakeholder in a company sponsoring the Faculty Member's or Investigator's research); or

4. the University is deprived of appropriate potential financial gain (for example, when a Faculty Member or Investigator inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

C. Nature of policy.

Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the Faculty Member and the University are well served. To promote fairness, all Faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual Faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by Faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

D. Obligation of University.

In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving Faculty and Investigators, including, for example, with respect to (1) the independence of Faculty and Investigators to determine subjects of research and scholarship and (2) enabling Faculty and Investigators to report accurately their time and effort.

II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

A. The merit of external involvements.

Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many Faculty Members the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the Faculty Member's and the University's scholarly reputation, and to serve the public interest.

B. "One-day-a-week" rule.

A full-time Faculty Member may spend the equivalent of up to one working day a week on average during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the Faculty Member directly and do not involve the University. This privilege is not extended to research Faculty Members paid wholly from research grants or contracts, or other physician Faculty Members whose University contracts preclude such activities.

C. Administration of the rule.

The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no Faculty Member abuses this privilege. In particular, Faculty involved in private income-producing activities shall not, absent prior written approval by the Executive Vice President for Academic Affairs ("Executive Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements.

Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the Faculty Member's, the Investigator's, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined.

This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a Faculty Member,[1] Investigator or immediate family member, the University, and an outside entity. For purposes of this Policy:

- "Immediate family member" means spouse/domestic partner and dependent children.
- "Significant financial interest" means (1) any stock, stock option, or similar ownership interest in the outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or (2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or (3) that the Faculty

[1] Principal investigators should take the lead in identifying those individuals in their organizations who are "responsible for the design, conduct or reporting" of externally sponsored University research and therefore are Investigators potentially subject to conflict of interest disclosure requirements. Such individuals may not be limited to the PI and/or co-PI, but could include, depending on the circumstances, persons such as technicians, other staff members and unpaid lab workers.

Member, Investigator or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.[2]

B. Transactions covered.

Before the University enters into any transaction potentially presenting an apparent or actual conflict of interest, and annually thereafter, a Faculty Member or Investigator must submit to the school dean a written disclosure of any current or pending relationship of such Faculty Member, Investigator or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and, if desired, means by which the Faculty Member or Investigator will manage his or her University role in relation to the Faculty Member's, Investigator's or immediate family member's role or interest in the entity. The Disclosure Forms annexed to this Policy pursuant to Part IV.A.1. provide descriptions of covered transactions for which Faculty Members and Investigators must make disclosure. Some examples of such covered transactions are:

1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a Faculty Member or Investigator from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;

2. Sponsored-project proposals as to which the involved Faculty Member, Investigator or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;

3. University technology-licensing arrangements with an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;

4. Procurement of materials or services from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest, if the Faculty Member or Investigator is personally involved in or has the ability to influence the formation or implementation of the procurement transaction; and

5. Submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a Faculty Member or Investigator plans to participate that would reasonably appear to affect the Faculty Member's, Investigator's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A Faculty Member or Investigator who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. Ongoing and elective disclosures.

In addition to disclosures required under Section III.B., Faculty members and Investigators shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the Faculty Member or Investigator. In addition, a Faculty Member or Investigator may elect to disclose voluntarily other financial benefit to the Faculty Member, Investigator or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the Faculty

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[2] "Significant financial interest" does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures or teaching engagements sponsored by public or non-profit entities; or (3) income from service on advisory committees or review panels for public or non-profit entities.

Member, Investigator or immediate family member is or expects to be involved, if the Faculty Member or Investigator deems it desirable to seek review in accordance with the procedures specified in Section IV.

D. Additional reporting procedures for research.

Consistent with the requirements of external sponsors, including federal government agencies, this Policy is designed to identify potential, actual and apparent conflicts of interest and support compliance with applicable rules and regulations. A number of external organizations, in particular the Public Health Service and the National Science Foundation, have developed policies requiring the disclosure of financial conflicts of interest. Under PHS and NSF rules and regulations,[3] a Faculty Member or Investigator utilizing or seeking PHS or NSF funding has a potential conflict of interest if the Faculty Member, Investigator or his/her immediate family member has a "significant financial interest" (as defined in paragraph III.A, above) that could directly and significantly affect the design, conduct or reporting of the PHS- or NSF-funded research.[4] The University is required to report to PHS, prior to the expenditure of any funds under a PHS award, the existence (but not the nature) of any conflict and to assure PHS that the conflict has been managed, reduced or eliminated. For conflicting interests identified subsequent to the University's initial report under a PHS award, the University is obligated to report the conflict and manage, reduce or eliminate it, at least on an interim basis, within 60 days of its identification. NSF also requires the University to report any conflict the University is unable to manage satisfactorily. As part of the NSF grant proposal process, the University additionally must certify that actual or potential conflicts were, or prior to funding will be, managed, reduced, or eliminated, or disclosed to NSF.

In order to manage conflicts of interest, the University may impose conditions or restrictions on itself, on the design and conduct of research, and on Faculty Members and Investigators, such as requiring:

1) public disclosure of significant financial interests;
2) monitoring of research by independent reviewers;
3) modification of the research plan;
4) disqualification from participation in all or part of the funded research;
5) divestiture of the significant financial interest; and/or
6) severance of relationships that create actual, potential or reasonably apparent conflicts of interest.

If a Faculty Member or Investigator fails to comply with this Policy and, as a result, has biased the design, conduct or reporting of PHS-funded research, the University will promptly notify PHS of the corrective action taken or to be taken. Furthermore, in any case where a PHS-funded project of clinical research evaluating the safety or effectiveness of a drug, medical device or treatment has been designed, conducted or reported by a Faculty Member or Investigator with a conflicting interest that was not disclosed or managed as required by this Policy, the University will require the Faculty Member or Investigator to disclose the conflicting interest in each public presentation of the results of the research, and the Faculty Member or Investigator shall do so.

In accordance with PHS and NSF requirements, the University will maintain all records of financial disclosures made by Faculty Members and Investigators and actions taken by the University with respect to conflicts of interest for at least three years from the termination or completion of the relevant grant, and will make such records available in appropriate circumstances for inspection and review upon request by those agencies.

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[3] See PHS 42 CFR Part 50, Subpart F, "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought," and PHS 45 CFR Part 94, "Responsible Prospective Contractors." PHS excludes Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Phase I applications from its regulations. NSF conflict of interest rules are incorporated into the NSF Grant Policy Manual, Ch. V, Sec. 510, "Conflict of Interest Policies," NSF Grant General Conditions and NSF Grant Proposal Guide. See Section V of this Policy for a list of resources providing information on financial conflicts of interest.

[4] PHS defines "research" as: "A systemic investigation designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development. As used in [the PHS regulations], the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority."

Furthermore, pursuant to PHS requirements, all subgrantees, contractors and collaborators on PHS-funded research at the University must either comply with this Policy or provide assurances to the University that enable the University to satisfy PHS regulations.

Faculty Members and Investigators also should be aware of Food and Drug Administration (FDA) regulations (21 CFR 54) regarding conflicts of interest, which apply to any applicant who submits a marketing application for a human drug, biological product or device, and who submits clinical studies covered by the regulation. The regulations require the disclosure of conflicts or a certification that no financial conflicts exist.

Other sponsors may have specific requirements regarding the disclosure of financial interests. For more information, contact the sponsor or the Office of Research Services.

IV. PROCEDURES FOR REVIEW

A. Review of disclosure form; management of disclosed conflicts.

1. Faculty Members and Investigators shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Forms, for confidential review by the Administration. Each dean shall forward to the Executive Vice President a copy of each Disclosure Form submitted by a Faculty Member or Investigator, any related material submitted by a Faculty Member or Investigator, and the dean's recommendation for action.

2. If the dean, with the concurrence of the Executive Vice President, determines that the conduct disclosed is permissible under this Policy, the Faculty Member or Investigator shall be so informed in writing. Guidance on types of conduct approved shall be provided the Faculty from time to time, without identifying Faculty Members or Investigators who received approval.

3. If the dean or the Executive Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the Executive Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.

4. It is not the object of this Policy to discourage outside activities by Faculty and Investigators that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow Faculty Members and Investigators to undertake permissible activities without concern about later criticism, to provide the University accurate information about those Faculty and Investigator activities, and to be fair to all involved.

B. Procedures for resolving disputes about conflicts.

1. If a dean learns from a Faculty Member, Investigator or otherwise of conduct the dean believes presents a significant question under this Policy, the dean should discuss the conduct with the Faculty Member or Investigator; shall relate his or her findings to the Executive Vice President, and subject to the concurrence of the Executive Vice President shall advise the Faculty Member or Investigator whether the conduct is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to

further review. If the dean or Executive Vice President determines that conditions or restrictions should be imposed, the Faculty Member or Investigator shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the Executive Vice President, or seek review of the matter by the school's Conflicts Consultation Committee.

2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A Faculty Member or Investigator whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.

3. A school's Conflicts Consultation Committee, unless otherwise authorized by the Executive Vice President, shall be composed of at least five Faculty Members of the school, elected, ordinarily annually, by the Faculty of the school. The Committee's function shall be to conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.

4. The dean, the Executive Vice President, the Complainant, the Faculty Member or the Investigator may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.

5. The Executive Vice President shall review the Committee's recommendation, confer with the Dean, and render a formal decision.

6. A Faculty Member or Investigator dissatisfied with the Executive Vice President's decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five Faculty Members nominated by the Faculty Senate Executive Committee in consultation with the Executive Vice President and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.

7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.

8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.

9. The Panel shall render its report to the affected Faculty Member or Investigator, the dean, and the Executive Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.

10. To the extent that conduct of Faculty or Investigators who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the Executive Vice President (or other supervisors, for Investigators) may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code (or other applicable procedures).

11. A Faculty Member or Investigator whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another Faculty Member or Investigator may not rely on an approval that addressed a different Faculty Member's or Investigator's conduct, as it may have been based on unique circumstances.

V. RESOURCES FOR INFORMATION ON FINANCIAL CONFLICTS OF INTEREST

NIH home page:
www.nih.gov

NIH conflict of interest requirements:
http://grants1.nih.gov/grants/policy/emprograms/overview/ep-coi.htm

NIH list of conflict of interest information resources available on the Web:
http://grants1.nih.gov/grants/policy/coi/resources.htm

NSF home page:
www.nsf.gov

NSF "Grant Policy Manual, Chapter V – Grantee Standards":
http://www.nsf.gov/pubs/2002/nsf02151/gpm5.htm

Frequently asked questions concerning PHS and NSF investigator conflicts of interest
www.nih.gov/grants/policy/coifaq.htm

FDA home page:
www.fda.gov

FDA "Device Advice: Financial Disclosure":
www.fda.gov/cdrh/devadvice/ide/financial.shtml

FDA guidance "Financial Disclosure by Clinical Investigators":
www.fda.gov/oc/guidance/financialdis.html

DHHS draft interim guidance "Financial Relationships in Clinical Research: Issues for Institutions, Clinical Investigators and IRBs to Consider When Dealing with Issues of Financial Interests and Human Subject Protection":
http://ohrp.osophs.dhhs.gov/humansubjects/finreltn/finguid.htm

National Bioethics Advisory Committee publication: "Ethical and Policy Issues in Research Involving Human Participants":
http://bioethics.georgetown.edu/nbac/pubs.html

Association of American Medical Colleges Task Force on Financial Conflicts of Interest in Clinical Research report "Protecting Subjects, Preserving Trusts, Promoting Progress – Policy and Guidelines for the Oversight of Individual Financial Interests in Human Subjects Research":
http://www.aamc.org/members/coitf/firstreport.pdf

Association of American Universities Task Force on Research Accountability "Report on Individual and Institutional Financial Conflict of Interest":
http://www.aau.edu/research/COI.01.pdf

Council on Governmental Relations, "Recognizing and Managing Personal Financial Conflicts of Interest" (2002) (available in hard copy from the University Office of Research Services and the Medical Center Office of Health Research, Compliance and Technology Transfer)

Adopted by the Faculty Senate of The George Washington University, 13 February 2004

Adopted by The George Washington University Board of Trustees, 14 May 2004

Adopted, as amended, January 21, 2005, pursuant to Faculty Senate Resolution 04/6

Exhibit B

Submitted for Endorsement by the Faculty Senate on 1/21/05

Annual Faculty Member and Investigator Financial Interest Disclosure Form

Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf. The policy requires that each faculty member and investigator complete this form yearly.

The purpose of this form is to assist faculty, investigators, and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed.. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence. ~~, and that~~ R~~r~~esponses requiring further clarification will be brought to your immediate attention.

Faculty Member or Investigator Name: _____

Department/Unit: _____

College/Unit: _____

PART I (To be completed by all Faculty and Investigators)

A. Definitions

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor any immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g.,

consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

Significant financial interest does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

The George Washington University (and *University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

Gifts do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities or (2) service on advisory committees or review panels for public or non-profit entities.

Immediate family member includes an employee's spouse/domestic partner and dependent children.

Close family member includes an employee's non-dependent children, as well as father, mother, sisters and brothers of the employee and the employee's spouse/domestic partner.

Material conflict of interest means a conflict of interest that has the potential (i) to influence a person's decisions or conduct or (ii) to have a non-trivial impact on the financial situation of a person or an entity in which that person or an immediate family member has a significant financial interest.

To your knowledge means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

B. Certification as to Employee and Immediate Family Members

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (h)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which you have or an immediate family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University, directly or indirectly, is procuring or will procure property, goods or services from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods,or services.

(g) You have or an immediate family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

(h) You are a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or you have a significant financial interest in, a business

enterprise (other than The George Washington University) that to your knowledge engages in the business of higher education or the delivery of patient care services.

Yes _____ No _____

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University?

Yes _____ No _____

3. In the past 12 months, to the best of your knowledge, have you received a loan of money, property, or services in the amount of $250 or more (excluding a loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services?

Yes _____ No _____

4. Do you have, or does any immediate family member have, any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes _____ No _____

If your answer to any of the above Questions 1-4 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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C. Certification as to Employee and Close Family Members

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which a close family member has a significant financial interest has made, or it will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which a close family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University is procuring or will procure property, goods, or services from an outside entity in which a close family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) A close family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

Yes _____ No _____

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-

home entertainment with a value exceeding $100, from a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services?

Yes _____ No _____

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests connected to The George Washington University that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

_____ _____

Signature Date

_____ _____

Full Name (Printed) Position Title

PART II (To be completed by University officials)

Department Chair/Unit Head – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

College Dean/Director – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

Executive Vice President for Academic Affairs – Comments and Approval

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have read the Financial Interest Disclosure and, if provided, the plan to manage, reduce or eliminate any actual, potential, or apparent conflict of interest. I approve of the Management Plan.

_____ _____

Printed Name and Signature Date

Exhibit C

Submitted for Endorsement by the Faculty Senate 1/21/05

Proposal-Specific Investigator Financial Interest Disclosure Form

Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf. Pursuant to the policy, persons responsible for the design, conduct, or reporting of University sponsored programs (hereinafter "Investigators") must complete this form for each proposal submitted for external funding.

The purpose of this form is to assist faculty, Investigators, and the University in the identification and management of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence. ~~, and that~~ R~~r~~esponses requiring further clarification will be brought to your immediate attention.

Faculty Member or Investigator Name: _____

Department/Unit: _____

Sponsor: _____

Title: _____

PART I (To be completed by all Investigators)

A. Definitions

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

Significant financial interest does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

The George Washington University (and *University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

Gifts do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities or (2) service on advisory committees or review panels for public or non-profit entities.

Immediate family member includes an Investigator's spouse/domestic partner and dependent children.

Close family member includes an Investigator's non-dependent children, as well as father, mother, sisters and brothers of the Investigator and the Investigator's spouse/domestic partner.

To your knowledge means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

B. Certification as to Investigator and Immediate Family Members

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support this sponsored project.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You have or an immediate family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(d). You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

(g) You have or an immediate family member has a significant financial interest in a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes _____ No _____

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from:

(a) a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University, or (b) a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services, or (c) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes _____ No _____

3. Do you have or does any immediate family member have any other relationships, commitments, or activities that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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C. Certification as to Investigator and Close Family Members

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (f)?

(a) An outside entity in which a close family member has a significant financial interest has made, or will make, a gift to The George Washington University of

cash or property that will be under your control or will directly support this sponsored project.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You are or will be personally involved in, or you have or will have the ability to influence the formulation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which a close family member has a significant financial interest.

(d) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(e) A close family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or has a significant financial interest in, a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes _____ No _____

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from: (a) a business enterprise that to your knowledge supplies property, goods, or services to the George Washington University, or (b) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes _____ No _____

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to

it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

Signature

Date

Full Name (Printed)

Position Title

PART II (To be completed by University officials)

Department Chair/Unit Head – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

College Dean/Director – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY (04/7)

WHEREAS, the administration has advised the Fiscal Planning and Budgeting Committee of the Faculty Senate that it is adopting a budgeting strategy of requiring many divisions of the University, including most of the schools, to annually reduce their expense budgets, these funds to be sequestered and some portion returned and targeted towards the strategic priorities of the University and schools*; and

WHEREAS, in the colleges and schools, such reductions, repeated now for several years, start to require deans to begin to dismantle and/or restructure academic programs, often discontinuing part-time faculty and transferring full-time faculty to achieve the required "savings;" and

WHEREAS, the Faculty Code, Section IX.A, entitles faculty to "an active role ...including an opportunity to make recommendations" when such academic-program eliminations and restructuring are being considered, but the amount of time allowed in the budget cycle for deans to identify and report to the budget office the cut they will make is insufficient to allow enough time for significant consultation with the faculty of the schools involved; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1) That the budget cycle of the University, that is, the timing of the informing of deans of budgetary targets and the fixing of dates by which recommendations are due to the budget office, should be modified to permit deans the time and opportunity to confer with faculty in advance of arriving at their recommended budget cuts, and to encourage Deans to confer with faculty, and to allow faculty their Code-guaranteed right to participate in these budget-driven restructurings, in light of the importance of the academic consequences of this budget strategy; and

2) That, in addition to the above short-run strategy, the Administration should commit itself to more long-range budget planning, especially academic planning in conjunction with the deans and faculties of the colleges and schools, as we attempt to reach our strategic goals in the next decade.

* (In FY04 1.1% of school budget expense reductions was matched with a 1.1% budget expense reduction from Administrative units and the total reallocated to Academic Affairs. In FY05 1.62% of school budget expenses was reallocated across the entire University budget.)

Fiscal Planning and Budgeting Committee of the Faculty Senate
Approved: Dec. 18, 2004

Adopted, January 21, 2005

REPORT OF THE EXECUTIVE COMMITTEE

Arthur E. Wilmarth, Jr., Chair

January 21, 2005

ACTIONS OF THE EXECUTIVE COMMITTEE

New Members of the Faculty Senate

The Executive Committee welcomes Professor Mary Granger, who has been elected by the School of Business to serve for the balance of Professor Paul Swiercz's unexpired Senate term. Professor Swiercz is on sabbatical leave this semester. The Executive Committee also welcomes Professor Brian Biles, who has been elected by the School of Public Health and Health Services to serve for the balance of Professor Donald Paup's unexpired Senate term and to represent the School of Public Health and Health Services on the Executive Committee. Professor Paup is also on sabbatical leave this semester.

Trachtenberg Prize Committees

The Executive Committee has recommended that the following faculty members serve on this year's Selection Committees for the Trachtenberg Service, Teaching, and Research Prizes:

Service :	Professor Philip W. Wirtz
Teaching:	Professor Peter F. Klaren
Research:	To be determined

The Executive Committee has selected Professor Kurt J. Darr of the School of Public Health and Health Services to serve as the Faculty Senate's representative on the Administration's Compliance Committee. Professor Darr will also continue to serve as Chair of the Faculty Senate's Dispute Resolution Committee.

The Executive Committee has recommended that Professors Ed Cherian, Bob Dunn, Roger Lang, and Joe Pelzman serve as the Faculty Senate's representatives on the joint Faculty-Administration working group that will consider whether the University should adopt a 4 x 4 undergraduate curriculum.

In keeping with the Senate's practice of receiving periodic reports from the Deans of the University's Schools, Dean Frawley has agreed to present a report on the Columbian College of Arts and Sciences at the Senate's meeting on February 11, 2005, and Dean Tong has agreed to present a report on the School of Engineering and Applied Science at the Senate's meeting on March 11, 2005. The Faculty Senate Executive Committee is most grateful to Deans Frawley and Tong, and also to Deans Scott, Katz, and Phillips for their recent reports to the Faculty Senate.

PERSONNEL MATTERS

No faculty grievances have been filed with the Dispute Resolution Committee since the date of my last report.

FEBRUARY MEETING

The Faculty Senate will meet on February 11, 2005, in Marvin Center 310, beginning at 3 p.m. instead of the customary time of 2:10 p.m.. This adjustment in our meeting time is necessary so that we may accommodate the Board of Trustees meeting that will take place earlier that day.

On January 28, 2005, the Executive Committee will establish the agenda for the Senate's meeting on February 11. If you wish to present resolutions, reports, or any other matters for consideration by the Faculty Senate on February 11, please submit them to Ms. Sue Campbell, Faculty Senate Coordinator, prior to January 28.

ANNOUNCEMENTS

Forms asking for volunteers who are willing to serve on Faculty Senate Standing Committees and Administrative Standing Committees will be distributed soon to members of the University's regular, active-status faculty. Please encourage your colleagues to volunteer for service on Committees. The Executive Committee also urges each of you to express your interest in serving on a Committee. The activities of Standing Committees are vital to the success of the Faculty Senate and to the preservation of effective faculty participation in University governance. Because some colleagues may not be familiar with the specific activities and missions of Standing Committees, we would ask you to provide faculty members in your Schools with helpful information concerning the work of the various Committees.

Respectfully submitted,

Arthur E. Wilmarth, Jr.
Professor of Law
Chair, Faculty Senate Executive Committee

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON, DC

FACULTY SENATE

Mr. W. Russell Ramsey
Chair, Committee on Real Estate
Board of Trustees
The George Washington University
Washington, DC 20052

Re: Development of the Old Hospital Site

Dear Mr. Ramsey:

Earlier this year, the Faculty Senate unanimously adopted two resolutions concerning the need for additional teaching and research facilities at The George Washington University, with a particular emphasis on new facilities for GW's science programs. In Resolution 04/1, the Faculty Senate expressed its view that construction of new science facilities should be GW's top priority in planning for future academic building projects. In adopting Resolution 04/1, the Senate considered a report by its Committee on Physical Facilities, which recommended construction of new facilities to support GW's teaching and research programs in the physical, life, and mathematical sciences, and in science-related engineering programs. In response to Resolution 04/1, President Trachtenberg stated that "[t]his recommendation is fully understood and it is our aim to address it as briskly as circumstances and contingent resources permit; [the] Administration concurs that making the improvement of science facilities for teaching and research a priority at the University is sound."

In Resolution 04/4, the Faculty Senate expressed its concern about the current shortage of classroom space, especially on the Foggy Bottom campus, due to rapidly growing undergraduate enrollments and a declining number of available classrooms. In response to Resolution 04/4, the Administration agreed to appoint a joint committee to review the problem of classroom availability and to develop plans to remedy this situation.

In light of the needs and concerns reflected in the foregoing resolutions, the Faculty Senate has a great interest in the ongoing planning process for construction of a new building on the old hospital site. The Senate believes that GW has a unique opportunity to enhance the science programs of the Columbian College of Arts and Sciences, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, and the School of Public Health and Health Services, by devoting at least a portion of the new building to classroom and research facilities. At the Senate's November meeting, Dean James Scott gave a superb report in which he described the potential contributions that the new building could make to the academic programs and research efforts of all four Schools. The Senate was truly excited by Dean Scott's

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presentation and believes that strategic utilization of the new building could enable GW to achieve national prominence as a leading institution for scientific research and education.

On behalf of the Executive Committee of the Faculty Senate, I would like to express our strong desire to meet with you to discuss plans for the new building on the old hospital site. Would you be willing to meet with a small group of us to discuss this important topic? If so, could you please suggest some dates and times that would be convenient for you? Please call me at 202-994-6386 if you would like to discuss arrangements for such a meeting.

Many thanks for your very kind consideration of this letter. The Faculty Senate is deeply grateful to you and your Committee members for the time and effort that you have devoted, and are continuing to devote, to this vital project. Best wishes to all of you for a very happy holiday season.

Sincerely yours,

Arthur E. Wilmarth, Jr.
Professor of Law
Chair, Faculty Senate Executive Committee

cc: President Stephen Joel Trachtenberg
Members of the Executive Committee

DISTRIB
Senate 2/11/05
Bill G
advised of discrepancy in Table 4

Fiscal Planning and Budgeting Committee Special Report on FY 2005 Five-Year Operating and Capital Budgets

Prepared for the Faculty Senate
January 21, 2005

This report is a selective summary of the *FY2005 Five-Year Operating and Capital Budgets* report presented to the Board of Trustees by Vice President and Treasurer Louis H. Katz. The tables and figures, as well as some of the text, are copied directly from VP Katz' report. We thank Don Boselovic, Associate Vice President for Budget, for his help.

This report is focused on topics we selected as having special importance for this budget cycle. For a more complete view of all areas of the budget you may consult the *FY2005 Five-Year Operating and Capital Budgets* report presented to the Board of Trustees by Executive Vice President and Treasurer Louis H. Katz.

Members of the Committee

Chair: Griffith, William B., Philosophy
Cherian, Edward J., Management Science
Cordes, Joseph J., Public Policy & Public Administration
Gowan, Mary, Management Science
Ismail, Catheeja, Radiology
Lang, Roger H., Electrical and Computer Engineering
Lindahl, Frederick W., Accountancy
Packer, Randall, Biological Sciences
Ribar, David C., Economics
Sikka, Neal K., Emergency Medicine
Solomon, Henry, Emeritus, Economics
Watson, Harry, Economics
Yezer, Anthony, Economics

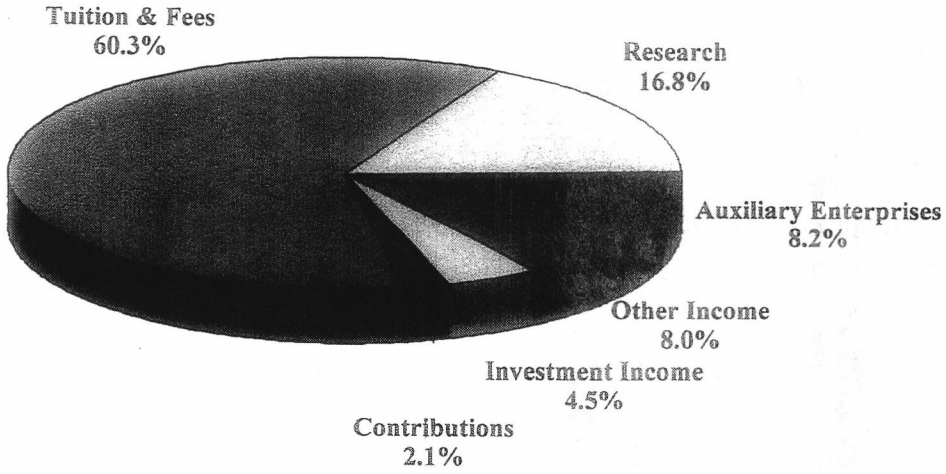
ex officio:
Bass, Gerald H., Associate V.P. for Health Economics, Medical Center
Boselovic, Don, Associate Vice President for Budget
Charles, Leroy, Assistant Vice President for Health Affairs
Chernak, Robert A., Senior Vice President for Student and Academic Support Services
Harding, Harry, Dean, Elliott School of International Affairs
Katz, Louis H., Executive Vice President and Treasurer
Lehman, Donald R., Executive Vice President for Academic Affairs
Siggins, Jack A., University Librarian
Whitaker, Roger, Dean, College of Professional Studies
Wirtz, Philip W., Management Science, Executive Committee Liaison

1. Comparison of FY 03 and FY 04: Changes in Total Revenue and Total Expenses

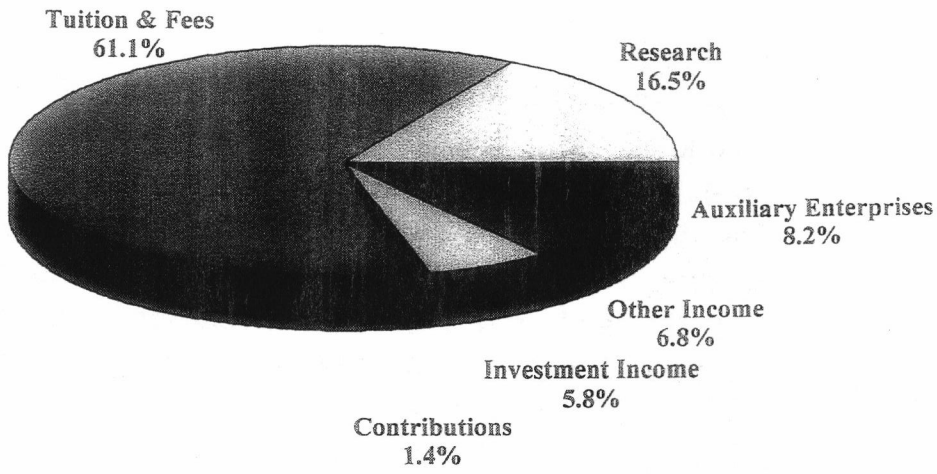
A. Total Revenue

In FY 04 total revenue increased by $51 million compared to FY 03. That represents a 6.9% increase. There was a decrease in the percent of total income from investments and increases in each of the other 5 categories. The combination of the "tuition and fees" and "research" categories represented 78% of total revenue in FY 03 and 77% in FY 04.

FY 04 Total Expense: $791 Mil.



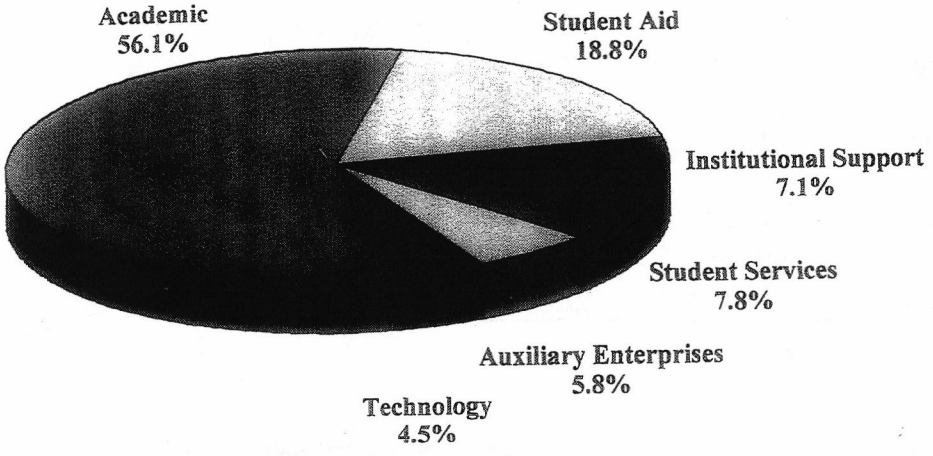
FY 03 Total Expense: $740 Mil.



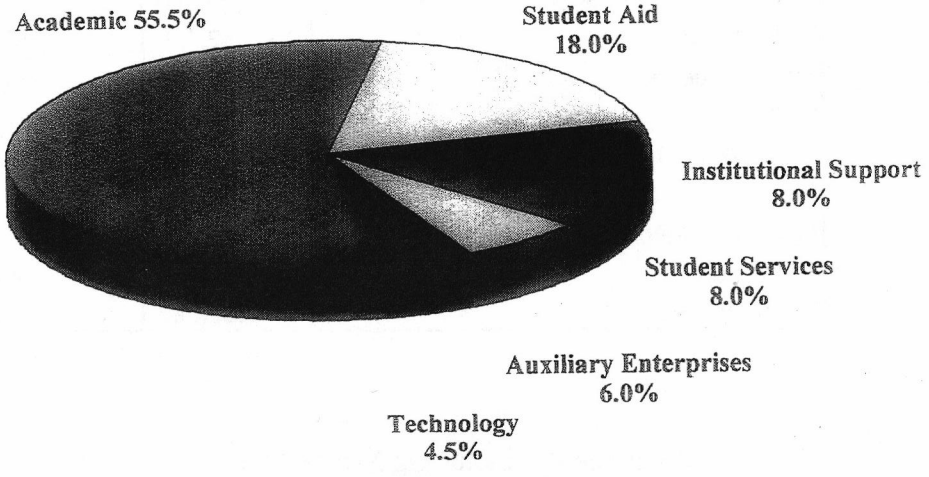
B. Total Expenses

Total expense increased by 3.3 % from FY 03 to FY 04, with no major changes in expenditures as a proportion of total expenditure for any of the 6 broad categories.

FY 04 Total Expense: $713 Mil.



FY 03 Total Expense: $690 Mil.



Total University, including Medical Center. Excludes depreciation and other expenses related to capital projects ($48 million in FY 03 and $53 million in FY 04). Also excludes investment property expense. Maintenance and operation of plant expense is allocated to each category of expense based on square feet. Interest expense is allocated based on the distribution of outstanding debt (e.g., debt on residence halls is allocated to Auxiliary Enterprises).

C. Changes in Expenditures

Although there were no large changes in the below broad categories of expenditures when expressed as a percent of total expenditures, there were a few notable changes in the dollar amount of expenditures from FY 03 – FY 04. Research expenditures increased 9%, student aid increased 8%, and institutional support decreased 8.6%.

	FY 03		FY 04		Change	
	1,000 $	%	1,000 $	%	1,000 $	%
Expense						
Academic:						
Instruction & Academic Support	290,378	42.1%	299,375	42.0%	8,997	3.1%
Research	92,170	13.4%	100,454	14.1%	8,284	9.0%
Total Academic	382,548	55.5%	399,828	56.1%	17,281	4.5%
Student Aid	123,946	18.0%	133,849	18.8%	9,903	8.0%
Institutional Support	55,426	8.0%	50,641	7.1%	(4,785)	-8.6%
Student Services	55,301	8.0%	55,390	7.8%	90	0.2%
Auxiliary Enterprises	41,736	6.0%	41,399	5.8%	(337)	-0.8%
Technology	30,927	4.5%	32,149	4.5%	1,222	4.0%
Total Expense	**689,883**	**100.0%**	**713,256**	**100.0%**	**23,374**	**3.4%**

Total University, including Medical Center. Excludes depreciation and other expenses related to capital projects ($48 million in FY 03 and $53 million in FY 04). Also excludes investment property expense. Maintenance and operation of plant expense is allocated to each category of expense based on square feet. Interest expense is allocated based on the distribution of outstanding debt (e.g., debt on residence halls is allocated to Auxiliary Enterprises).

2. Operating Budget: An overall picture of the operating budget, excluding the Medical Center, is shown in the following table:

Operating Budget
(In Thousands)

	3rd Quarter Forecast	FY 05 Proposed	Increase/Decrease $	Increase/Decrease %
REVENUES				
Student Tuition & Fees	431,880	468,207	36,327	8.4%
Less University Funded Scholarships	(108,230)	(123,172)	(14,942)	13.8%
Net Student Tuition & Fees	323,650	345,035	21,385	6.6%
Indirect Cost Recoveries	8,953	9,212	259	2.9%
Auxiliary Enterprises	68,319	77,320	9,001	13.2%
Contributions Net	11,187	11,547	360	3.2%
Other Income	17,772	16,043	(1,729)	-9.7%
Total Revenue	429,881	459,157	29,276	6.8%
EXPENSES				
Salaries & Wages	215,461	223,915	8,454	3.9%
Fringe Benefits	46,341	48,297	1,956	4.2%
Purchased Services	49,176	50,418	1,242	2.5%
Supplies	7,614	7,479	(135)	-1.8%
Equipment	14,708	14,189	(519)	-3.5%
Bad Debt	3,907	4,614	707	18.1%
Occupancy	33,603	33,083	(520)	-1.5%
Scholarships & Fellowships	5,377	5,803	426	7.9%
Communications	5,658	5,657	(1)	0.0%
Travel & Training	6,417	6,417	0	0.0%
Other	9,159	8,419	(740)	-8.1%
Total Expense	397,421	408,291	10,870	2.7%
OTHER (DECREASES)/INCREASES IN NET ASSETS				
Debt Service & Mandatory Purposes	(29,408)	(47,651)	18,243	62.0%
Endowment Support	24,028	24,392	364	1.5%
Capital Expenditures	(11,879)	(11,392)	(487)	-4.1%
Support/Investment	(12,413)	(12,149)	(264)	-2.1%
Total Other Changes in Net Assets	(29,672)	(46,800)	17,128	57.7%
OPERATING RESULTS	2,788	4,066	1,278	45.8%
Interest Rate Reserve	0	1,900	1,900	
Investment Property Reserve	0	700	700	
Reserve for GWS	1,250		(1,250)	-100.0%
NET OPERATING RESULTS	1,538	1,466	(72)	-4.7%

Details of the operating budget and comments:

A. For FY 05 tuition revenue accounts for 75% of the total revenue in the proposed operating budget on the page above. When housing and other student revenue is included, over 88% of all operating revenue is derived from enrollment. While income from tuition and fees is expected to increase by 8.4%, University funded scholarships will increase 13.8%, representing an increase from 25% (FY04) to 26% (FY05) of total income from tuition and fees. The table below shows that we are more tuition dependent than the schools to which we compare ourselves:

FY 01 - FY 03 Tuition Dependency [1]

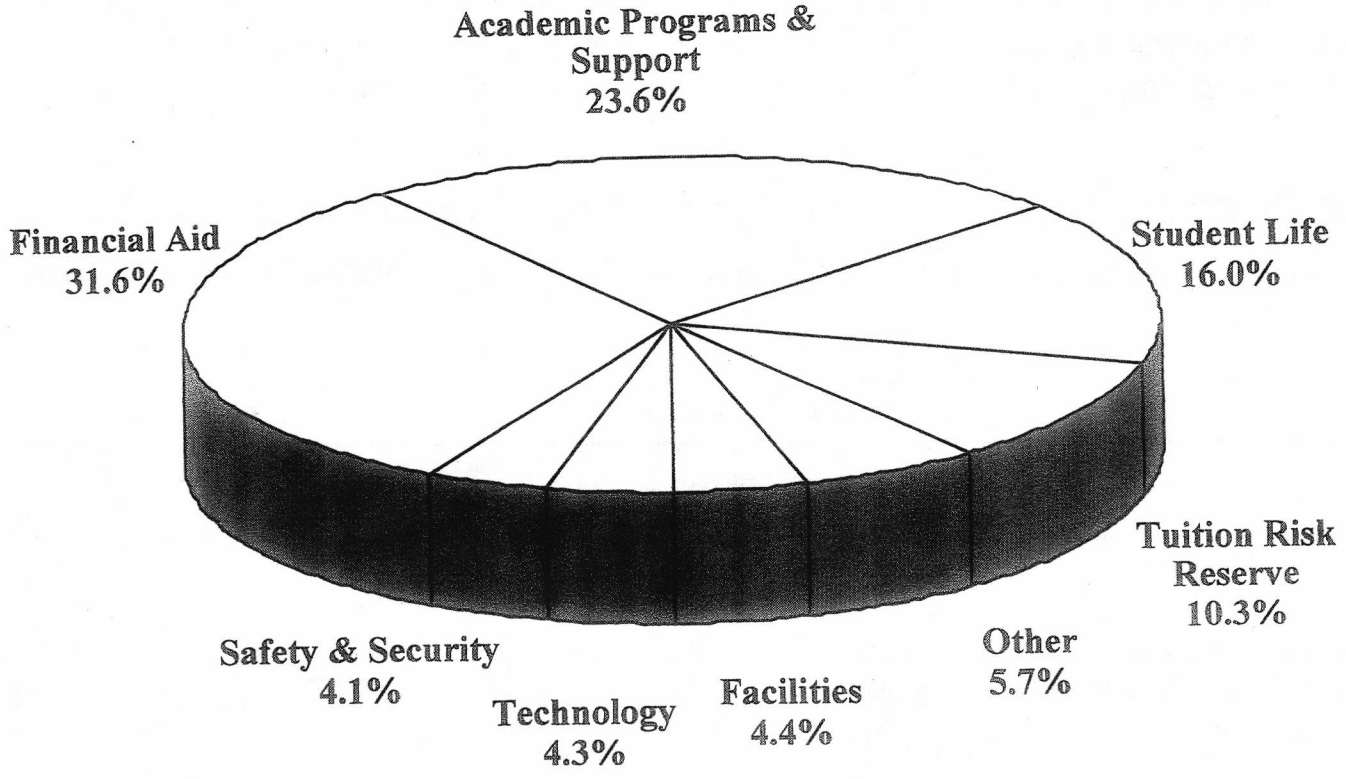
	FY 01	FY 02	FY 03
Duke University	15.0%	14.6%	14.7%
Vanderbilt University	24.8%	23.8%	22.5%
University of Pennsylvania	29.2%	29.8%	29.1%
Northwestern University	31.0%	30.6%	30.9%
Tulane University	39.2%	40.0%	40.1%
Boston University	47.1%	45.9%	45.9%
New York University	47.9%	48.3%	47.4%
George Washington University	**52.3%**	**52.1%**	**53.6%**
Average for Group	35.8%	35.6%	35.5%

Data is organized in descending order based on FY 03 Tuition Dependency.

[1] Net tuition and fee revenue as a percent of total operating revenue. Total revenue includes research but excludes health care revenue and governmnet appropriations.

Note that the calculation of tuition dependency in the table above is not based on the same numbers as those quoted in the paragraph at the top of this page but should be valid for comparisons with other universities.

B. The proposed budget includes over $48 million in new funding to be distributed as shown in the chart below.



Less than 25% of the projected increase will be directed toward academic programs. Of the $11.4 million increase for Academic Programs, $4.9 million is allocated for faculty and staff salary merit increases. $1 million of the $7.8 million increase in support of Student Life is allocated for staff salary merit increases.

Of the $48 million in new funding, $2.7 million is derived from reallocation from academic departments and $1.9 from administrative departments. The reallocations represent nearly 10% of the new funding.

C. Debt service will increase from nearly $30 million in FY 04 to approximately $48 million in FY 05, a 62% increase. This apparently large increase is, in part, a function of the fact that in FY04 there were one-time savings due to favorable interest rates relative to the interest rate assumptions used to build the budget. For FY 03 our debt to net asset ratio was 73.4%, compared to a group average of 38.9% for the same group of universities shown on the tuition dependency table on the preceding page. A summary of debt management is shown in the Capital Budget section below.

3. Capital Budget: The capital budget, excluding the Medical Center, through FY 08 is summarized in the following table (dollars in thousands):

Proposed FY 05 Capital Budget
Summary by Activity
(Dollars in Thousands)

	Academic	Instutional Support	Housing	Recreation/ Student Life	Other	Total
FY 2005						
Repair, Replacement & Renewal	2,459	1,090	1,250	1,066	495	6,360
New Construction & Major Renovations	47,465	1,800	12,296	200	0	61,761
	49,924	2,890	13,546	1,266	495	68,121
FY 2006 - FY 2008						
Repair, Replacement & Renewal	3,369	3,627	3,780	600	1,439	12,815
New Construction & Major Renovations	13,774	1,000	15,000	2,780	0	32,554
	17,143	4,627	18,780	3,380	1,439	45,369
Total Capital Budget	67,067	7,517	32,326	4,646	1,934	113,490

(1) Excluding Medical Center and capitalized interest.

Details of the operating capital budget and comments:

The proposed budget includes:
$109.2 million for ongoing projects

$4.3 million for proposed projects:

- $2.5 million to renovate space at the Virginia Campus to accommodate the relocation of administrative staff
- $1.8 million to install a sprinkler system in Gelman Library

Most of the spending will be directed to:

Enhancing academic and research facilities

- $67.1 million (59 percent of budget)

Providing additional student housing

- $32.3 million (28 percent of budget)

Support for academic and research facilities includes:
$40 million for the creation of a new home for the School of Business (total project cost of $52.5 million)
$5.3 million for the relocation of departments displaced by the School of Business project (total project cost of $9.4 million)
$10.5 million for the construction of the Transportation Research Institute (TRI) at the Virginia Campus (total project cost of $13.5 million)
$1.2 million for the renovation of space in Building 2 at the Virginia Campus (total project cost of $3 million)
$3 million to continue our program of Law School renovations
$1.8 million for the proposed installation of a sprinkler system in Gelman Library

The projects included in the proposed budget will be funded from the following sources:
$88.4 million in debt
$10.6 million from operating budget
$8.1 million from capital reserves
$6.4 million from gifts

The bulk of funding for capital projects will be financed by debt. The table below is a comparison of debt management in FY99 to FY04:

Debt Management Summary
(Dollars in Thousands)

	FY 99	Est. FY 04	Increase	Est. FY 08 [1]	Increase
Debt Outstanding at Year End:					
Funded by Specific Revenue Sources:					
Housing	67,776	204,449	136,673	236,060	31,611
Parking	6,692	20,518	13,826	14,810	(5,708)
Recreational / Student Life [2]	3,488	65,912	62,424	60,339	(5,573)
Investment Properties [3]	85,922	193,398	107,476	193,398	0
Medical Center	26,109	38,226	12,117	39,282	1,056
Other [4]	2,363	20,797	18,434	20,268	(529)
Total Funded by Specific Revenue Sources [5]	**192,350**	**543,300**	**350,950**	**564,157**	**20,857**
Funded by General Revenue	**117,780**	**181,770**	**63,990**	**248,340**	**66,570**
Total Debt Outstanding	**310,130**	**725,070**	**414,940**	**812,497**	**87,427**
Annual Debt Service	**25,105**	**30,208**	**5,103**	**60,441**	**30,233**

(1) Based on FY 05 capital budget. Assumes an interest rate of approximately 5.5% on variable rate debt.
(2) Primarily the Lerner Family Health & Wellness Center, Cloyd H. Marvin Center, and Mount Vernon Athletic facilities.
(3) Assets of the endowment fund.
(4) Primarily the National Traffic Safety Board facility at the Virginia Campus.
(5) Equates to approximately 75 percent of total FY 04 debt and 69 percent of total FY 08 debt.

Comments on Debt Management Summary

A very large proportion of the debt increase supports a dramatic increase in student housing capacity. In FY 99 we had housing for 56% of the 6,558 undergraduates enrolled compared to 74.2% of the 9,226 enrolled in FY 04.

Note that while total debt increased 257%, the proportion of debt funded by general revenue has declined from 61% in FY 99 to 42% in FY 04. Despite the 256% increase in total debt, debt service has increased only about 70% due to current low interest rates. As of June 30, 56% of our debt was variable. Significant increases in interest rates could have a negative impact on both capital and operating budgets. To protect against interest increases, the FY 05 budget assumes an interest rate of 6% on variable debt rate. The budget also includes a $1.9 million interest rate reserve in the operating budget for FY 05.

4. Endowment: The following table summarizes endowment performance from FY 99 though FY 04, with estimates for FY 05:

Endowment Budget Support
(in Thousands)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	Estimated FY 05
Market Value of Endowment [1]							
Beginning of Year	609,387	651,937	712,995	689,546	621,110	634,100	733,801
End of Year	651,937	712,995	689,546	621,110	634,100	733,801	719,234 [3]
Average	630,662	682,466	701,271	655,328	627,605	683,951	726,518 [4]
Gifts Designated for Endowment [2]	10,863	10,326	2,879	4,691	14,860	11,767	
Base Payout	29,147	34,271	39,073	38,399	38,578	34,324	35,214 [5]
Supplemental Payout:							
Classrooms and Labs	1,500	1,500	1,500	1,500	500	0	0
New Academic Initiatives	1,500	1,500	1,500	1,500	1,500	0	0
Technology Initiative	3,500	3,500	3,500	3,500	388	0	0
Medical Center Capital Budget				1,900	1,012	0	0
Total Supplemental Payout	6,500	6,500	6,500	8,400	3,400	0	0
Total Payout	**35,647**	**40,771**	**45,573**	**46,799**	**41,978**	**34,324**	**35,214**
Annual Payout Rate	**5.7%**	**6.0%**	**6.5%**	**7.1%**	**6.7%**	**5.0%**	**4.8%**

(1) Net of liabilities.
(2) Cash basis.
(3) As of September 30, 2004.
(4) Based on June 30 and September 30 market values.
(5) Based on funds invested as of September 2004.

Comments on Endowment Budget Support

Market forces have resulted in a nearly static average market value over the period. Gifts to the endowment have fluctuated markedly from FY 99 through FY 04 and have averaged about $9.2 million per year. The average yearly value of the endowment for the period is $663.5 million so, on average, the ratio of gifts to total endowment value has averaged about 1.39% per year.

5. Enrollment Statistics: The following table is a summary of enrollment comparing FY 99 and FY04, with estimates for FY 05:

Enrollment [1]

	FY 99	FY 04	Change	Est. FY 08	Change
Undergraduate	6,558	9,226	40.7%	9,926	7.6%
Graduate	4,862	5,596	15.1%	6,066	8.4%
Law	1,491	1,711	14.8%	1,563	-8.6%
Non-Degree	740	454	-38.6%	449	-1.1%
TOTAL	**13,651**	**16,987**	**24.4%**	**18,004**	**6.0%**

(1) FTEs as of Fall Census for all campuses. Excludes the School of Medicine and Health Sciences and School of Public Health and Health Services. Excludes Continuous Enrollment and Continuing Research.

Enrollments, especially undergraduate, have increased rapidly. While undergraduate enrollments have increased by about 41%, the number of regular active status faulty (tenure track + non-tenure track) has increased from 664 in the Fall of 1999 to 740 (an increase of about 11.5%). Over that period the number of tenure track faculty increased from 538 to 567 (5.4%) while non-tenure track faculty increased from 126 to 173 (37.3%).

Not only are enrollments growing, undergraduate, graduate, and Law School selectivity has increased as shown below:

Current Year Highlights
Competiveness Statistics

Undergraduate – Includes Medical Center Freshman					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Undergraduate Applications	14,326	14,767	15,960	16,910	18,422
Undergraduate Selectivity Rate	49%	49%	48%	40%	38%
Undergraduate Matriculation Rate	30%	29%	33%	34%	32%

Graduate – Excludes Medical Center and Law School					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Graduate Applications	9,921	9,669	9,875	10,799	11,768
Graduate Selectivity	52%	52%	50%	49%	47%
Graduate Matriculation Rate	42%	49%	51%	50%	50%

Law School – Includes Post JD					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Law Applications	7,801	8,355	9,272	11,537	12,433
Law Selectivity	31%	29%	26%	21%	20%
Law Matriculation Rate	27%	27%	27%	27%	30%

Increasing selectivity while growing the student body is a very positive development. The increases in funds allocated to student aid appear to be paying off.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate January 12, 2005

The Faculty Senate will meet on Friday, January 21, 2005, at 2:10 p.m., in the Alumni House, First Floor, 1925 F Street, N.W.

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of December 10, 2004, as distributed
3. Resolutions
   (a) A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY POLICIES AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH MISCONDUCT (04/5); Professor Arthur E. Wilmarth, Jr., Chair, Executive Committee of the Faculty Senate (Resolution and marked draft of Policy and Procedures attached)
   (b) A RESOLUTION ON CONFLICT OF INTEREST DISCLOSURE FORMS (04/6); Professor Arthur E. Wilmarth, Jr., Chair, Executive Committee of the Faculty Senate (Resolution, Policy, and Disclosure forms attached)
   (c) A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY (04/7); Professor William B. Griffith, Chair, Fiscal Planning and Budgeting Committee (Resolution and Special Report attached)
4. Introduction of Resolutions
5. General Business
   (a) Nominees for election to Senate Standing Committees: Libraries: Professor Richard M. Robin, Co-Chair, and Professor Christopher H. Sterling, Co-Chair
   (b) Report of the Executive Committee: Professor Arthur E. Wilmarth, Jr., Chair
6. Brief Statements (and Questions)
7. Adjournment

Elizabeth A. Amundson
Elizabeth A. Amundson
Secretary

Attachments

A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY POLICY AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH MISCONDUCT (04/5)

WHEREAS, in Resolution 03/8, adopted on March 12, 2004, the Faculty Senate expressed its support for "The George Washington University Policy and Procedures Regarding Allegations of Scientific Misconduct," with the understanding that such Policy and Procedures would be adopted on an interim basis until final Policy and Procedures were reported favorably to the Faculty Senate by the Faculty Senate Committee on Professional Ethics and Academic Freedom (PEAF); and

WHEREAS, in adopting Resolution 03/8, the Faculty Senate was advised that the interim Policy and Procedures were required to bring the University's sponsored research programs into compliance with regulations issued by the Office of Research Integrity (ORI) of the U.S. Public Health Service in 42 Code of Federal Regulations Part 50, Subpart A;

WHEREAS, the PEAF Committee and members of the University Administration have completed their review of the interim Policy and Procedures and have also considered proposed regulations issued by ORI in April 2004 (69 Federal Register 20777), which would make a number of amendments to 42 Code of Federal Regulations Part 50, Subpart A, as well as ORI's model policy and procedures regarding allegations of research misconduct;

WHEREAS, the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should reflect pending amendments proposed by ORI, so that (1) the final Policy and Procedures will be designated as "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," and (2) the nature of the misconduct covered therein will be defined as "research misconduct" rather than "scientific misconduct," in order that the final Policy and Procedures will apply to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results in all fields of scholarly inquiry; and

WHEREAS, in accordance with views expressed during the Faculty Senate's discussion of Resolution 03/8, the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should provide persons accused of research misconduct ("respondents") with the right to be fully advised of the nature of the charges against them and the right to be heard in connection with any informal inquiry and/or formal investigation into such charges;

WHEREAS, to provide respondents with the procedural protections referred to in the preceding paragraph, the final Policy and Procedures endorsed by the PEAF Committee (after consultation with members of the University Administration) provide each respondent with the following additional rights that were not contained in the Interim Policy and Procedures:

(i) the right to have the respondent's own counsel present at interviews or meetings conducted during an informal inquiry or formal investigation (Part IV.C.);

(ii) the right to receive written notice of the initiation of an informal inquiry, including a clear identification of each allegation of research misconduct (Part V.A.);

(iii) the option to require the University to conduct an informal inquiry by appointing a committee of at least three qualified individuals to perform the inquiry in place of the Associate Vice President for Health Research, Compliance, and Technology (Part V.D.);

(iv) the requirement that Administration officials will consult with the following faculty representatives in designating the members of an informal inquiry committee or a formal investigation committee, and in considering any challenges by the respondent to members of those committees: (i) in all cases, the Chairs of the Faculty Senate Executive Committee and the Faculty Senate Research Committee will be consulted, and (ii) in cases where the suspected or alleged research misconduct involved a field of study in which persons associated with the Medical Center are actively engaged, the Chair of the Basic Science Faculty Assembly of the Medical Center and a faculty member designated in collaboration with the President of Medical Faculty Associates, Inc. will also be consulted (Parts V.D. and VII.C.);

(v) the right to receive a copy of the charge given by the Associate Vice President for Health Research, Compliance, and Technology to a formal investigation committee (Part VII.D.1.);

(vi) the requirement that the draft report prepared by a formal investigation committee must provide a detailed description of all testimony and other evidence upon which the committee intends to rely in making its findings (Part VIII.A.1.);

(vii) the right of a respondent, before submitting comments on the investigation committee's draft report, to obtain copies of all testimonial and documentary evidence referred to in such report (Part VIII.A.1.);

(viii) the requirement that the investigation committee's final report must provide a detailed description of the testimony and other evidence supporting the committee's findings (Part VIII.B.);

(ix) the requirement that the Associate Vice President for Health Research, Compliance, and Technology must provide a copy of the University's final decision to the respondent (Part VIII.D.);

(x) the requirement that any disciplinary actions taken by the University against a respondent must be consistent with the Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff or, in the case of a student, the Guide to Student Rights and Responsibilities (Part XI);

(xi) the requirement that, if the University finds no misconduct and ORI concurs: (A) the Administration will consider appropriate efforts, in consultation with the respondent, to address concerns relating to the respondent's reputation and public knowledge of the inquiry and/or investigation conducted by the University, including the University's publication of the final outcome in scholarly and professional journals and other appropriate forums, and (B) upon request from elected faculty representatives or other University officials, the Administration will consider additional measures to address the respondent's concerns, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities (Part XII.B.); **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

(1) That the Faculty Senate endorses the "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," in the form attached to this Resolution as Exhibit A; and

(2) That the Faculty Senate understands and expects that any proposed future amendments to the attached Policy and Procedures will be presented to the Faculty Senate for its review and endorsement in keeping with the procedures leading to the adoption of Resolution 03/8 and this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom
January 10, 2005

Corrected Copy of Policy
For January 21, 2005
Faculty Senate Meeting

The George Washington University
Policy and Procedures Regarding Allegations of Research Misconduct

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I. Introduction

A. General Policy

The research mission of The George Washington University is to create and synthesize knowledge at the frontiers of our understanding and to use that knowledge to address issues of increasing complexity in our world, while strengthening the necessary ties between teaching and research. In pursuing this mission, the University attempts to promote and to conform to the highest standards of ethical research and scholarly conduct.

B. Scope

This policy and the associated procedures apply to all individuals at GW engaged in research, research-training or research-related grant or cooperative agreements. More specifically, this policy applies to any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at or with GW.

This policy and associated procedures will normally be followed when an allegation of possible misconduct in research is received by a GW official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of GW and any applicable outside agency. Any change from normal procedures will maintain fair treatment to the subject of the inquiry or investigation. Any significant variation from the normal procedure set forth in this policy requires the approval of the Associate Vice President for Health Research.

II. Definitions

A. *Allegation* means any written or oral statement or other indication of possible research misconduct made to a GW official.

B. *Complainant* means a person who in good faith makes an allegation of research misconduct.

C. *Conflict of interest* means the real or apparent interference of one person's outside interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

D. *Good faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is

made with reckless disregard for, or willful ignorance of, facts that would disprove the allegation.

E. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct has substance and warrants an investigation.

F. *Investigation* means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a finding of research misconduct or other appropriate remedies, including administrative actions.

G. *Investigators* means any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians, and other staff members, students, fellows, guest researchers, or collaborators at or with GW.

H. *MFA Representative* means the President of Medical Faculty Associates, Inc. or, if that person is not a faculty member, a faculty member designated jointly by the President of Medical Faculty Associates, Inc. and the Associate Vice President for Health Research, Compliance, and Technology Transfer.

I. *Medical Center-related case* means a case involving suspected or alleged research misconduct occurring in a field of study in which persons associated with the Medical Center are actively engaged.

J.. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.

K.. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.

L. *PHS regulation* means the Public Health Service regulation establishing standards for GW inquiries and investigations into allegations of research misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science," or as amended.

M. *PHS support* means PHS grants, contracts, or cooperative agreements or applications therefor.

N. *Preponderance of the evidence* means proof by information that, compared with

that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

O. *Research misconduct or misconduct in research* means fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research or in reporting research results. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research or scholarly community; that the research misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of the evidence. It does not include honest error or honest differences in interpretations or judgments of data.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

P. *Research record* means any data or results that embody the facts resulting from scholarly inquiry including, but not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files. "Data or results" shall be interpreted broadly to encompass all forms of scholarly information about the research at issue without regard to the type of recording or storage media, including, but not limited to, raw numbers, field notes, interviews, notebooks and folders, laboratory observations, computers and other research equipment, CD-ROMs, hard drives, floppy disks, Zip disks, back-up tapes, machine counter tapes, research interpretations and analyses, tables, slides, photographs, charts, gels, individual facts, statistics, tissue samples, reagents, and documented oral representations of research results.

Q. *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation, and, if there are multiple respondents, all references in this policy to "respondent" shall also be read in the plural as appropriate.

R. *Retaliation* means any action that adversely affects the employment or other GW

or professional status of an individual that is taken by an institution or another individual (e.g., respondent) because the first individual has in good faith made an allegation of research misconduct or of inadequate GW response thereto or has cooperated in good faith with an investigation of such allegation.

III. Rights and Responsibilities

A. Associate Vice President for Health Research, Compliance, and Technology Transfer

The Associate Vice President for Health Research, Compliance, and Technology Transfer (hereinafter "Associate Vice President for Health Research") will have primary responsibility for implementation of the procedures set forth in this document. The Associate Vice President for Health Research is a GW official who is qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Associate Vice President for Health Research will conduct the inquiry (except as provided in Part V.D.) and oversee the investigation committee, with consideration that necessary and appropriate expertise may be appropriate to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Associate Vice President for Health Research will maintain the confidentiality of the proceedings, consistent with this policy and other applicable policies and law. The Associate Vice President for Health Research may, in his or her discretion, be assisted in fulfilling these responsibilities.

The Associate Vice President for Health Research will assist the investigation committee and GW personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Associate Vice President for Health Research is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors in accordance with applicable laws, regulations, and research funding agreements. In particular, the Associate Vice President for Health Research will, to the extent and in the manner required by applicable law and regulations, report to ORI and keep ORI apprised of any developments during the course of the inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal

funds and otherwise protect the public interest.

In the event that the Associate Vice President for Health Research is unable to fulfill any of the responsibilities set forth herein for any reason, such responsibilities will be fulfilled by the Associate Vice President for Research and Graduate Studies.

B. Complainant

The complainant will have an opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Associate Vice President for Health Research has determined that the complainant may be able to provide pertinent information on any portions of the draft report; these portions will be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

C. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review the draft inquiry and investigation reports and to submit comments before those documents are issued in final form.

The respondent is responsible for answering an inquiry or investigation truthfully and in good faith, maintaining confidentiality and cooperating with the conduct of an inquiry or investigation, and not retaliating against any individual. If the respondent is not found guilty of research misconduct, he or she has the right to request GW's consideration of reasonable steps to address any concerns regarding his or her reputation , as provided in Part XII(B).

D. Executive Vice President for Academic Affairs

The Executive Vice President for Academic Affairs will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Executive Vice President for Academic Affairs will consult with the Associate Vice President for Health Research or

other appropriate officials and will determine whether to conduct an investigation after receipt of an inquiry report, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with The George Washington University (GW) should report observed, suspected, or apparent misconduct in research to the Associate Vice President for Health Research. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may call the Associate Vice President for Health Research at (202-994-2995) to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, but do raise other legitimate concerns, the Associate Vice President for Health Research will refer the individual or allegation to other offices or officials with responsibility for addressing the concerns.

At any time, an employee may have confidential discussions and consultations about concerns of possible research misconduct with the Associate Vice President for Health Research and will be counseled about appropriate procedures for reporting allegations. The Associate Vice President for Health Research, upon request, will arrange for University counsel to provide information to employees regarding the provisions of this policy and applicable laws and regulations.

B. Protecting the Complainant

The Associate Vice President for Health Research will also be available to receive complaints regarding the treatment of individuals who bring allegations of research misconduct or of inadequate GW response thereto, and those who cooperate in inquiries or investigations. The Associate Vice President for Health Research will communicate that such persons should not be retaliated against in the terms and conditions of their employment or other status at the institution and will be available to review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the Associate Vice President for Health Research.

GW is also committed to protecting the privacy of those who report misconduct in good faith to the maximum extent possible. If a complainant requests anonymity, GW will make an effort to honor the request during the allegation assessment or inquiry; however, if the matter is referred to an investigation committee and the

complainant's testimony is required, anonymity will no longer be available.

C. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that is designed to provide fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or the thoroughness of the inquiry or investigation.

Individuals accused of research misconduct may, at their own expense, consult with legal counsel or a non-lawyer personal adviser (who is not a witness or University official involved or to be involved in the case) in an advisory capacity. Legal counsel and advisors will be permitted to be present at interviews or meetings conducted during an inquiry or investigation.

D. Cooperation with Inquiries and Investigations

GW Investigators have an obligation to provide relevant evidence to the Associate Vice President for Health Research or other GW officials in the conduct of inquiries or investigations into misconduct allegations.

E. Preliminary Assessment of Allegations

Upon receiving an allegation of research misconduct, the Associate Vice President for Health Research will promptly assess the allegation to determine whether there is sufficient evidence to warrant an inquiry and whether the allegation falls under the definition of research misconduct as set forth above.

F. Legal Counsel for University Officials and Entities

The Associate Vice President for Health Research, an informal inquiry committee (if requested by the respondent), an investigation committee, and all other University officials and entities may seek the advice and/or representation of University-provided legal counsel on any and all aspects and at any stages of this policy.

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

Following a preliminary assessment, if the Associate Vice President for Health Research determines that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified and falls under

the definition of research misconduct as set forth above, he or she will promptly initiate an informal inquiry. The Associate Vice President for Health Research will provide written notice of the inquiry to the respondent. In initiating the inquiry, and in providing notice to the respondent, the Associate Vice President for Health Research will clearly identify the original allegation and any related issues. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is **not** to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry will be set forth in an inquiry report.

B. Sequestration of the Research Records

After initiating an inquiry, the Associate Vice President for Health Research will ordinarily attempt promptly to secure all original research records and materials relevant to the allegation in a confidential manner.

C. Inquiry Process

The Associate Vice President for Health Research will interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. The Associate Vice President for Health Research will consider whether additional expertise, either internal or external, is appropriate to permit a proper evaluation of the relevant evidence in the inquiry. The respondent may also request that additional outside expertise be consulted. If internal or external expertise is deemed warranted, individuals with such expertise will only include those without any real or apparent conflicts of interest in the subject matter of the inquiry or any participants involved in the inquiry. The Associate Vice President for Health Research will formulate a recommendation regarding whether there is sufficient evidence of possible research misconduct to warrant further investigation. The scope of an inquiry will not include a determination of whether misconduct occurred or conducting exhaustive interviews and analyses.

D. Appointment of Inquiry Committee at the Option of the Respondent

Upon the written request of the respondent, which must be filed within five (5) business days after the respondent's receipt of notice of the inquiry, the Associate Vice President for Health Research will consult with the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of

the Medical Center and the MFA Representative, and will appoint a committee to perform the informal inquiry described in this Part V and to prepare the inquiry report described in Part VI. The Associate Vice President for Health Research will designate one member of the inquiry committee to act as the chair. The inquiry committee will consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to conduct the informal inquiry. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed inquiry committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the inquiry committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

If an inquiry committee is appointed, the committee (under the direction of its chair) will be responsible for taking each of the actions related to the informal inquiry and the inquiry report that the Associate Vice President for Health Research would otherwise be required to take under Part V(C) and Parts VI(A), VI(B), VI(C)(1), and VI(D). The inquiry committee may request advice from the Associate Vice President for Health Research in carrying out its responsibilities.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report will be prepared by the Associate Vice President for Health Research that states the specific allegations, the identity of each expert or

consultant who participated in the inquiry; the PHS support, if any; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in appropriate detail; and a recommendation as to whether an investigation should be conducted, and whether any other actions should be taken if an investigation is not recommended.

B. Comments on the Draft Report by the Respondent and the Complainant.

The Associate Vice President for Health Research will provide the respondent with a copy of the draft inquiry report for comment, and will provide the complainant, if he or she is identifiable and if deemed appropriate by the Associate Vice President for Health Research, with a summary of the inquiry findings for comment.

1. Confidentiality

The Associate Vice President for Health Research will establish reasonable conditions for review to protect the confidentiality of the draft report.

2. Receipt of Comments

The complainant and respondent will provide their comments, if any, to the Associate Vice President for Health Research promptly (usually within fourteen (14) calendar days of their receipt of the draft report). Any comments that the complainant or respondent submits regarding the draft report will become part of the final inquiry report and record. Based on any timely received comments, the Associate Vice President for Health Research will revise and finalize the draft report accordingly.

C. Inquiry Decision and Notification

1. Decision by Executive Vice President for Academic Affairs

The Associate Vice President for Health Research will transmit the final report with his or her recommendations to the Executive Vice President for Academic Affairs. The Executive Vice President for Academic Affairs will make a determination of whether findings from the inquiry provide probable cause to believe that research misconduct has occurred in order to justify conducting an investigation and/or whether other actions are appropriate. The inquiry is completed when the Executive Vice President for Academic Affairs makes this determination.

2. Notification

The Associate Vice President for Health Research will notify both the respondent and the complainant in writing of the decision of the Executive Vice President for Academic Affairs as to whether to proceed to an investigation. The Associate Vice President for Health Research will also notify all appropriate GW officials of the decision.

D. Time Limit for Completing the Inquiry Report

The Associate Vice President for Health Research and Technology should ordinarily complete the inquiry and submit his or her report in writing to the Executive Vice President for Academic Affairs in no more than sixty (60 calendar days following the initiation of the inquiry, unless circumstances warrant a longer period. The respondent may request such an extension for good cause. If an inquiry takes longer than 60 days, the circumstances warranting a longer period will be entered into the records of the case and the inquiry report.

VII. Conducting an Investigation

A. Purpose of an Investigation

The purpose of an investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B. Sequestration of the Research Records

If there are any additional pertinent research records that were not previously secured during the inquiry, the Associate Vice President for Health Research should promptly secure such records in a confidential manner. The need for additional sequestration of records may occur for any number of reasons, including GW's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured.

C. Appointment of the Investigation Committee

The Associate Vice President for Health Research will consult the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, and will appoint an investigation committee and the committee chair following notification to the respondent that an investigation is planned. The investigation committee will consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the investigation committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The Associate Vice President for Health Research will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the respondent.

The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The Associate Vice President for Health Research will provide the respondent with a copy of the charge to the committee.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Associate Vice President for Health Research, who will provide the respondent with notice of any new subject matter of the investigation and will determine whether it is necessary to notify additional respondents of the commencement of an inquiry as to possible research misconduct by them.

2. The First Meeting

The Associate Vice President for Health Research will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, where PHS funding is involved, the PHS regulation.

E. Investigation Process

The investigation committee will ordinarily be appointed and the investigation process initiated within thirty (30) days of the completion of the inquiry by the Executive Vice President for Academic Affairs, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all relevant documentation including, as applicable, but not necessarily limited to, research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee will interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should ordinarily be tape recorded or transcribed. All other interviews should ordinarily be transcribed, tape recorded, or summarized. For major witnesses, summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

VIII. The Investigation Report

A. Comments on the Draft Report

1. Respondent

The Associate Vice President for Health Research will provide the respondent with a copy of the draft investigation report for comment. The draft investigation report will provide a detailed description of all testimony and other evidence upon which the investigation committee intends to rely in making its findings. Within four (4) business days after receipt of the draft report, the respondent may submit a written request for copies of summaries or transcripts of testimony and copies of other documentary evidence cited in the draft report. The respondent will be permitted fourteen (14) business days from receipt of the draft investigation report or ten (10) business days from the receipt of requested copies of summaries or transcripts of testimony and/or copies of other documentary evidence, whichever is later, to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report will take into account the respondent's comments in addition to all the other evidence.

2. Complainant

The Associate Vice President for Health Research will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report will take into account, as appropriate, the complainant's comments.

3. Confidentiality

In distributing the draft report, or portions thereof, or copies of testimony or other evidence referred to therein, to the respondent and complainant, the Associate Vice President for Health Research will inform the recipient of the confidentiality under which the draft report and all such evidence are made available and may establish reasonable conditions to address such confidentiality. The recipient(s) of the draft report and all evidence made available may be requested to sign a confidentiality statement or to comply with other measures to protect the confidentiality of the draft report.

B. Elements of the Investigation Report

The final report, to be submitted to ORI only when PHS funding is involved, will describe the policies and procedures, under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, provide a detailed description of the testimony and other evidence supporting the investigation committee's findings, state the findings, and explain the basis for the findings. A finding of research misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community; and (2) the misconduct be committed intentionally, or knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as recommendations for actions to redress the consequence of the misconduct, if demonstrated, in accordance with the provisions of the **Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the Guide to Student Rights and Responsibilities.

C. Transmittal of the Final Investigation Report to Executive Vice President for Academic Affairs

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and complainant's comments, to the Executive Vice President for Academic Affairs.

D. GW Review and Decision

The Executive Vice President for Academic Affairs will make the final determination whether to accept the investigation committee's report, its findings, and any recommendations, including any recommendations for actions to redress the consequence of the misconduct in accordance with the **Faculty Code** or the **Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the **Guide to Student Rights and Responsibilities.** If this determination varies from that of the investigation committee, the Executive Vice President for Academic Affairs will explain the basis for rendering a decision different from that of the investigation committee in the letter that GW will transmit with the report to ORI in cases of PHS-funded research. The explanation of the Executive Vice President for Academic Affairs will be consistent with the definition of research misconduct set forth above, the policies and procedures of GW, and the evidence reviewed and analyzed by the investigation committee. The Executive Vice President for Academic Affairs may also return the report to the investigation committee with a request for further fact-finding or analysis.

The determination of the Executive Vice President for Academic Affairs, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Associate Vice President for Health Research will notify both the respondent and the complainant in writing. The Associate Vice President for Health Research shall provide a copy of the final written decision to the respondent. In addition, the Executive Vice President for Academic Affairs will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Associate Vice President for Health Research is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

E. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within one hundred and twenty (120) days of the first meeting of the investigation committee.) This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Executive Vice President for Academic Affairs for final decision, and submitting the report to the ORI when PHS funding is involved. The Executive Vice President for Academic Affairs should ordinarily issue a final decision within thirty (30) days after receiving the investigation report.

IX. Requirements for Reporting to ORI

A. When PHS funding is involved, GW's decision to initiate an investigation will be reported in writing to the Director of the ORI, on or before the date of the first meeting of the investigation committee. At a minimum, the notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of research misconduct set forth above, and the PHS applications or grant number(s) involved. ORI will also be notified of the final outcome of the investigation and will be provided with a copy of the investigation report. Any significant variations from the provisions of GW's GW policies and procedures will be explained in any reports submitted to ORI.

B. If the event that GW plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the Associate Vice President for Health Research will submit a report of the planned termination to ORI, including a description of the reasons for the proposed

termination.

C. In the event that GW determines that it will not be able to complete the investigation relating to PHS-funded research in one hundred and twenty (120) days, the Associate Vice President for Health Research will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Associate Vice President for Health Research will file periodic progress reports as requested by the ORI.

D. When PHS funding or applications for funding are involved and an admission of research misconduct is made, the Associate Vice President for Health Research will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct.

E. The Associate Vice President for Health Research will notify ORI at any stage of the inquiry or investigation if:

1. there is an immediate health hazard involved;

2. there is an immediate need to protect Federal funds or equipment;

3. there is an immediate need that could be addressed by PHS to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;

4. it is probable that the alleged incident is going to be reported publicly; or

5. the allegation involves a public health sensitive issue, *e.g.*, a clinical trial; or

6. there is a reasonable indication of possible criminal violation. In this instance, GW will ordinarily inform ORI within 24 hours of obtaining that information.

X. Requirements for Reporting to Other Agencies

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors other than DHHS in accordance with applicable laws, regulations, and research funding agreements.

XI. GW Administrative Actions

GW will take appropriate administrative actions against individuals when an allegation of research misconduct has been substantiated. If the Executive Vice President for Academic Affairs determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Associate Vice President for Health Research. The actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found.

- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment, provided such actions are consistent with the **Faculty Code** or **the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the **Guide to Student Rights and Responsibilities**;

- restitution of funds as appropriate.

XII. Other Considerations

A. Termination of GW Employment or Affiliation Prior to Completing Inquiry or Investigation

The termination of the respondent's GW employment or affiliation, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the Associate Vice President for Health Research or the investigation committee, as appropriate, will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

B. Restoration of the Respondent's Reputation

If GW finds no misconduct, and, after an investigation, ORI concurs, the Associate Vice President for Health Research will consider appropriate efforts, in consultation with the respondent, to address any concerns relating to the

respondent's reputation and any public knowledge of the inquiry and/or investigation conducted by GW. Depending on the particular circumstances, the Associate Vice President for Health Research should consider such actions as notifying those individuals aware of or involved in the inquiry and/or investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized or in other forums reasonably requested by the respondent (including relevant scholarly journals and publications of relevant academic or professional organizations) , and including clear reference to findings of no research misconduct in the respondent's official personnel file. Any GW actions to address the respondent's reputation may be discussed with the Executive Vice President for Academic Affairs. In response to reasonable requests from elected faculty representatives or other University officials, the Executive Vice President for Academic Affairs will give careful consideration to additional measures to address concerns of the respondent relating to the consequences of the inquiry and/or investigation conducted by GW, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities.

C. Protection of the Complainant and Others

Regardless of whether GW or ORI determines that research misconduct occurred, the Associate Vice President for Health Research will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Executive Vice President for Academic Affairs will determine, after consulting with the complainant, what steps, if any, are appropriate to protect the position or reputation of the complainant. The Associate Vice President for Health Research will be responsible for coordinating such steps, in consultation with the Executive Vice President for Academic Affairs. The Associate Vice President for Health Research will also take appropriate steps during the inquiry and investigation to prevent any known or reasonably suspected retaliation against the complainant.

D. Allegations Not Made in Good Faith

If relevant, the Associate Vice President for Health Research will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Associate Vice President for Health Research will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

GW officials will take interim administrative actions, as appropriate, to protect Federal funds, protect ongoing research activities, and ensure that the purposes of the Federal financial assistance are carried out.

XIII. Record Retention

After completion of a case and all ensuing related actions, the Associate Vice President for Health Research will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the him or her or the investigation committee. The Associate Vice President for Health Research and Technology will keep the file for seven years after completion of the case or the completion of any PHS proceeding involving the research misconduct allegation, whichever is later. ORI or other authorized DHHS personnel will be given access to the records upon request, for cases related to PHS funding.

Resources:

- Federal Policy on Research misconduct—www.ostp.gov/html/001207_3.htm
- Model Policy for Responding to Allegations of Research misconduct –http://ori.dhhs.gov
- PHS Regulations—42 CFR 50.101 et seq.
- PHS Proposed Rules, Federal Register, Vol. 69, No. 74

A RESOLUTION TO ENDORSE REVISED DISCLOSURE FORMS AND CONFORMING CHANGES TO THE GEORGE WASHINGTON UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT (04/6)

WHEREAS, federal requirements regarding conflicts of interest pertaining to federally-sponsored research were first addressed in The George Washington University Policy on Conflicts of Interest in Federally Funded Research (1995); and

WHEREAS, this policy was superseded by The George Washington University Policy on Conflicts of Interest and Commitment (1998) (hereinafter the "Policy on Conflicts of Interest"), whose scope included not only research conflicts of interest but other conflicts of interest and commitment involving faculty members and persons responsible for the design, conduct, or reporting of externally funded programs (hereinafter "Investigators"); and

WHEREAS, the Policy on Conflicts of Interest was amended in May 2004, in order to bring the Policy into compliance with applicable federal regulations concerning conflicts of interest in externally-sponsored research; and

WHEREAS, the University Administration has proposed two revised disclosure forms, pursuant to the Policy on Conflicts of Interest, to be completed by (1) faculty members and Investigators in connection with their annual reports to the University, and (2) faculty members and Investigators in connection with proposals for external funding (hereinafter "Disclosure Forms"); and

WHEREAS, representatives of the Faculty Senate Committee on Professional Ethics and Academic Freedom and the Faculty Senate Committee on Research have met with Administration representatives and, after making modifications, have agreed to the contents of the revised Disclosure Forms: and

WHEREAS, representatives of the foregoing Senate Committees and the Administration have also agreed on technical changes to the Policy on Conflicts of Interest in order to make appropriate references to the revised Disclosure Forms; and

WHEREAS, the Policy on Conflicts of Interest, marked to show the agreed technical changes, is attached to this Resolution as Exhibit A; and

WHEREAS, the revised Disclosure Forms agreed to by representatives of the foregoing Senate Committees and the Administration are attached hereto as Exhibits B and C; and

WHEREAS, the Faculty Senate believes that the technical changes to the Policy on Conflicts of Interest and the revised Disclosure Forms are consistent with the best interests of the University and its faculty; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

(1) That the Faculty Senate hereby endorses the proposed technical changes to the Policy on Conflicts of Interest, as shown on Exhibit A attached to this Resolution; and

(2) That the Faculty Senate hereby endorses the revised Disclosure Forms as referenced in Part IV.A. of the Policy on Conflicts of Interest and attached to this Resolution as Exhibits B and C; and

(3) That the Faculty Senate expects that, consistent with the procedures described above, future amendments to the Policy on Conflicts of Interest and the Disclosure Forms will be presented to the Faculty Senate for its review and recommendations prior to the adoption thereof by the University.

Faculty Senate Committee on Professional Ethics and Academic Freedom
Faculty Senate Committee on Research
January 13, 2005

Exhibit A

Changes Submitted for Endorsement by Faculty Senate 1/21/05

POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR FACULTY AND INVESTIGATORS

The George Washington University

Contents

I. General Statement
II. Consulting, Other Professional Activities, and Research Support from Outside Entities
III. Reportable Interests
IV. Procedures for Review
V. Resources for Information on Financial Conflicts of Interest

Disclosure Forms

I. GENERAL STATEMENT

A. Purpose and scope of policy.

This Policy is designed to assist faculty and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. For purposes of this Policy, the terms "Faculty" and "Faculty Member" mean those individuals defined in the Faculty Code, pages 1 and 2, section I, subsection B, items 1, 3, and 4, and the term Investigator refers to any person responsible for the design, conduct or reporting of externally sponsored University research, including without limitation Research Scientists, Senior Research Scientists and Lead Research Scientists.

B. Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a Faculty Member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a Faculty Member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the Faculty Member.

Conflicts of interest may occur when there is a divergence between a Faculty Member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the Faculty Member due to external commitments (for example, when a Faculty Member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);

2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a Faculty Member or Investigator inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial

benefit to the Faculty Member, Investigator or a third party; or receives outside financial incentives that distort scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that the University endorses or is connected to an outside activity);

3. the Faculty Member's or Investigator's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a Faculty Member or Investigator hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.; or when a Faculty Member, Investigator or his or her immediate family member is a founder, board member or equity stakeholder in a company sponsoring the Faculty Member's or Investigator's research); or

4. the University is deprived of appropriate potential financial gain (for example, when a Faculty Member or Investigator inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

C. Nature of policy.

Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the Faculty Member and the University are well served. To promote fairness, all Faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual Faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by Faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

D. Obligation of University.

In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving Faculty and Investigators, including, for example, with respect to (1) the independence of Faculty and Investigators to determine subjects of research and scholarship and (2) enabling Faculty and Investigators to report accurately their time and effort.

II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

A. The merit of external involvements.

Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many Faculty Members the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the Faculty Member's and the University's scholarly reputation, and to serve the public interest.

B. "One-day-a-week" rule.

A full-time Faculty Member may spend the equivalent of up to one working day a week during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the Faculty Member directly and do not involve the University. This privilege is not extended to research Faculty Members paid wholly from research grants or contracts, or other physician Faculty Members whose University contracts preclude such activities.

C. Administration of the rule.

The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no Faculty Member abuses this privilege. In particular, Faculty involved in private income-producing activities shall not, absent prior written approval by the Executive Vice President for Academic Affairs ("Executive Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements.

Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the Faculty Member's, the Investigator's, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined.

This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a Faculty Member,[1] Investigator or immediate family member, the University, and an outside entity. For purposes of this Policy:

- "Immediate family member" means spouse/domestic partner and dependent children.
- "Significant financial interest" means (1) any stock, stock option, or similar ownership interest in the outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or (2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or (3) that the Faculty

[1] Principal investigators should take the lead in identifying those individuals in their organizations who are "responsible for the design, conduct or reporting" of externally sponsored University research and therefore are Investigators potentially subject to conflict of interest disclosure requirements. Such individuals may not be limited to the PI and/or co-PI, but could include, depending on the circumstances, persons such as technicians, other staff members and unpaid lab workers.

Member, Investigator or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.[2]

B. Transactions covered.

Before the University enters into any transaction potentially presenting an apparent or actual conflict of interest, and annually thereafter, a Faculty Member or Investigator must submit to the school dean a written disclosure of any current or pending relationship of such Faculty Member, Investigator or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and, if desired, means by which the Faculty Member or Investigator will manage his or her University role in relation to the Faculty Member's, Investigator's or immediate family member's role or interest in the entity. The Disclosure Forms annexed to this Policy pursuant to Part IV.A.1. provide descriptions of covered transactions for which Faculty Members and Investigators must make disclosure. Some examples of such covered transactions are:

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1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a Faculty Member or Investigator from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;

2. Sponsored-project proposals as to which the involved Faculty Member, Investigator or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;

3. University technology-licensing arrangements with an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;

4. Procurement of materials or services from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest, if the Faculty Member or Investigator is personally involved in or has the ability to influence the formation or implementation of the procurement transaction; and

5. Submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a Faculty Member or Investigator plans to participate that would reasonably appear to affect the Faculty Member's, Investigator's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A Faculty Member or Investigator who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. Ongoing and elective disclosures.

In addition to disclosures required under Section III.B., Faculty members and Investigators shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the Faculty Member or Investigator. In addition, a Faculty Member or Investigator may elect to disclose voluntarily other financial benefit to the Faculty Member, Investigator or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the Faculty

[2] "Significant financial interest" does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures or teaching engagements sponsored by public or non-profit entities; or (3) income from service on advisory committees or review panels for public or non-profit entities.

Member, Investigator or immediate family member is or expects to be involved, if the Faculty Member or Investigator deems it desirable to seek review in accordance with the procedures specified in Section IV.

D. Additional reporting procedures for research.

Consistent with the requirements of external sponsors, including federal government agencies, this Policy is designed to identify potential, actual and apparent conflicts of interest and support compliance with applicable rules and regulations. A number of external organizations, in particular the Public Health Service and the National Science Foundation, have developed policies requiring the disclosure of financial conflicts of interest. Under PHS and NSF rules and regulations,[3] a Faculty Member or Investigator utilizing or seeking PHS or NSF funding has a potential conflict of interest if the Faculty Member, Investigator or his/her immediate family member has a "significant financial interest" (as defined in paragraph III.A, above) that could directly and significantly affect the design, conduct or reporting of the PHS- or NSF-funded research.[4] The University is required to report to PHS, prior to the expenditure of any funds under a PHS award, the existence (but not the nature) of any conflict and to assure PHS that the conflict has been managed, reduced or eliminated. For conflicting interests identified subsequent to the University's initial report under a PHS award, the University is obligated to report the conflict and manage, reduce or eliminate it, at least on an interim basis, within 60 days of its identification. NSF also requires the University to report any conflict the University is unable to manage satisfactorily. As part of the NSF grant proposal process, the University additionally must certify that actual or potential conflicts were, or prior to funding will be, managed, reduced, or eliminated, or disclosed to NSF.

In order to manage conflicts of interest, the University may impose conditions or restrictions on itself, on the design and conduct of research, and on Faculty Members and Investigators, such as requiring:

1) public disclosure of significant financial interests;
2) monitoring of research by independent reviewers;
3) modification of the research plan;
4) disqualification from participation in all or part of the funded research;
5) divestiture of the significant financial interest; and/or
6) severance of relationships that create actual, potential or reasonably apparent conflicts of interest.

If a Faculty Member or Investigator fails to comply with this Policy and, as a result, has biased the design, conduct or reporting of PHS-funded research, the University will promptly notify PHS of the corrective action taken or to be taken. Furthermore, in any case where a PHS-funded project of clinical research evaluating the safety or effectiveness of a drug, medical device or treatment has been designed, conducted or reported by a Faculty Member or Investigator with a conflicting interest that was not disclosed or managed as required by this Policy, the University will require the Faculty Member or Investigator to disclose the conflicting interest in each public presentation of the results of the research, and the Faculty Member or Investigator shall do so.

In accordance with PHS and NSF requirements, the University will maintain all records of financial disclosures made by Faculty Members and Investigators and actions taken by the University with respect to conflicts of interest for at least three years from the termination or completion of the relevant grant, and will make such records available in appropriate circumstances for inspection and review upon request by those agencies.

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[3] See PHS 42 CFR Part 50, Subpart F, "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought," and PHS 45 CFR Part 94, "Responsible Prospective Contractors." PHS excludes Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Phase I applications from its regulations. NSF conflict of interest rules are incorporated into the NSF Grant Policy Manual, Ch. V, Sec. 510, "Conflict of Interest Policies," NSF Grant General Conditions and NSF Grant Proposal Guide. See Section V of this Policy for a list of resources providing information on financial conflicts of interest.

[4] PHS defines "research" as: "A systemic investigation designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development. As used in [the PHS regulations], the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority."

Furthermore, pursuant to PHS requirements, all subgrantees, contractors and collaborators on PHS-funded research at the University must either comply with this Policy or provide assurances to the University that enable the University to satisfy PHS regulations.

Faculty Members and Investigators also should be aware of Food and Drug Administration (FDA) regulations (21 CFR 54) regarding conflicts of interest, which apply to any applicant who submits a marketing application for a human drug, biological product or device, and who submits clinical studies covered by the regulation. The regulations require the disclosure of conflicts or a certification that no financial conflicts exist.

Other sponsors may have specific requirements regarding the disclosure of financial interests. For more information, contact the sponsor or the Office of Research Services.

IV. PROCEDURES FOR REVIEW

A. Review of disclosure form; management of disclosed conflicts.

1. Faculty Members and Investigators shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Forms, for confidential review by the Administration. Each dean shall forward to the Executive Vice President a copy of each Disclosure Form submitted by a Faculty Member or Investigator, any related material submitted by a Faculty Member or Investigator, and the dean's recommendation for action.

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2. If the dean, with the concurrence of the Executive Vice President, determines that the conduct disclosed is permissible under this Policy, the Faculty Member or Investigator shall be so informed in writing. Guidance on types of conduct approved shall be provided the Faculty from time to time, without identifying Faculty Members or Investigators who received approval.

3. If the dean or the Executive Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the Executive Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.

4. It is not the object of this Policy to discourage outside activities by Faculty and Investigators that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow Faculty Members and Investigators to undertake permissible activities without concern about later criticism, to provide the University accurate information about those Faculty and Investigator activities, and to be fair to all involved.

B. Procedures for resolving disputes about conflicts.

1. If a dean learns from a Faculty Member, Investigator or otherwise of conduct the dean believes presents a significant question under this Policy, the dean should discuss the conduct with the Faculty Member or Investigator; shall relate his or her findings to the Executive Vice President, and subject to the concurrence of the Executive Vice President shall advise the Faculty Member or Investigator whether the conduct is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to

further review. If the dean or Executive Vice President determines that conditions or restrictions should be imposed, the Faculty Member or Investigator shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the Executive Vice President, or seek review of the matter by the school's Conflicts Consultation Committee.

2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A Faculty Member or Investigator whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.

3. A school's Conflicts Consultation Committee, unless otherwise authorized by the Executive Vice President, shall be composed of at least five Faculty Members of the school, elected, ordinarily annually, by the Faculty of the school. The Committee's function shall be to conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.

4. The dean, the Executive Vice President, the Complainant, the Faculty Member or the Investigator may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.

5. The Executive Vice President shall review the Committee's recommendation, confer with the Dean, and render a formal decision.

6. A Faculty Member or Investigator dissatisfied with the Executive Vice President's decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five Faculty Members nominated by the Faculty Senate Executive Committee in consultation with the Executive Vice President and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.

7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.

8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.

9. The Panel shall render its report to the affected Faculty Member or Investigator, the dean, and the Executive Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.

10. To the extent that conduct of Faculty or Investigators who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the Executive Vice President (or other supervisors, for Investigators) may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code (or other applicable procedures).

11. A Faculty Member or Investigator whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another Faculty Member or Investigator may not rely on an approval that addressed a different Faculty Member's or Investigator's conduct, as it may have been based on unique circumstances.

V. RESOURCES FOR INFORMATION ON FINANCIAL CONFLICTS OF INTEREST

NIH home page:
www.nih.gov

NIH conflict of interest requirements:
http://grants1.nih.gov/grants/policy/emprograms/overview/ep-coi.htm

NIH list of conflict of interest information resources available on the Web:
http://grants1.nih.gov/grants/policy/coi/resources.htm

NSF home page:
www.nsf.gov

NSF "Grant Policy Manual, Chapter V – Grantee Standards":
http://www.nsf.gov/pubs/2002/nsf02151/gpm5.htm

Frequently asked questions concerning PHS and NSF investigator conflicts of interest
www.nih.gov/grants/policy/coifaq.htm

FDA home page:
www.fda.gov

FDA "Device Advice: Financial Disclosure":
www.fda.gov/cdrh/devadvice/ide/financial.shtml

FDA guidance "Financial Disclosure by Clinical Investigators":
www.fda.gov/oc/guidance/financialdis.html

DHHS draft interim guidance "Financial Relationships in Clinical Research: Issues for Institutions, Clinical Investigators and IRBs to Consider When Dealing with Issues of Financial Interests and Human Subject Protection":
http://ohrp.osophs.dhhs.gov/humansubjects/finreltn/finguid.htm

National Bioethics Advisory Committee publication: "Ethical and Policy Issues in Research Involving Human Participants":
http://bioethics.georgetown.edu/nbac/pubs.html

Association of American Medical Colleges Task Force on Financial Conflicts of Interest in Clinical Research report "Protecting Subjects, Preserving Trusts, Promoting Progress – Policy and Guidelines for the Oversight of Individual Financial Interests in Human Subjects Research":
http://www.aamc.org/members/coitf/firstreport.pdf

Association of American Universities Task Force on Research Accountability "Report on Individual and Institutional Financial Conflict of Interest":
http://www.aau.edu/research/COI.01.pdf

Council on Governmental Relations, "Recognizing and Managing Personal Financial Conflicts of Interest" (2002) (available in hard copy from the University Office of Research Services and the Medical Center Office of Health Research, Compliance and Technology Transfer)

Adopted by the Faculty Senate of The George Washington University, 13 February 2004

Adopted by The George Washington University Board of Trustees, 14 May 2004

Exhibit B

Submitted for Endorsement by the Faculty Senate on 1/21/05

Annual Faculty Member and Investigator Financial Interest Disclosure Form

Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf. The policy requires that each faculty member and investigator complete this form yearly.

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The purpose of this form is to assist faculty, investigators, and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed.. Please be assured that responses to this questionnaire will be held in confidence, and that responses requiring further clarification will be brought to your immediate attention.

Faculty Member or Investigator Name: _____

Department/Unit: _____

College/Unit: _____

PART I (To be completed by all Faculty and Investigators)

A. Definitions

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor any immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property,

dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

Significant financial interest does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

The George Washington University (and *University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

Gifts do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities or (2) service on advisory committees or review panels for public or non-profit entities.

Immediate family member includes an employee's spouse/domestic partner and dependent children.

Close family member includes an employee's non-dependent children, as well as father, mother, sisters and brothers of the employee and the employee's spouse/domestic partner.

Material conflict of interest means a conflict of interest that has the potential (i) to influence a person's decisions or conduct or (ii) to have a non-trivial impact on the financial situation of a person or an entity in which that person or an immediate family member has a significant financial interest.

To your knowledge means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

B. Certification as to Employee and Immediate Family Members

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (h)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which you have or an immediate family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University, directly or indirectly, is procuring or will procure property, goods or services from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods,or services.

(g) You have or an immediate family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

(h) You are a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or you have a significant financial interest in, a business

enterprise (other than The George Washington University) that to your knowledge engages in the business of higher education or the delivery of patient care services.

Yes _____ No _____

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University?

Yes _____ No _____

3. In the past 12 months, to the best of your knowledge, have you received a loan of money, property, or services in the amount of $250 or more (excluding a loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services?

Yes _____ No _____

4. Do you have, or does any immediate family member have, any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes _____ No _____

If your answer to any of the above Questions 1-4 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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C. Certification as to Employee and Close Family Members

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which a close family member has a significant financial interest has made, or it will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which a close family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University is procuring or will procure property, goods, or services from an outside entity in which a close family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) A close family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

Yes _____ No _____

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-

home entertainment with a value exceeding $100, from a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services?

Yes _____ No _____

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests connected to The George Washington University that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

_____ _____
Signature Date

_____ _____
Full Name (Printed) Position Title

PART II (To be completed by University officials)

Department Chair/Unit Head – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

College Dean/Director – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

Executive Vice President for Academic Affairs – Comments and Approval

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have read the Financial Interest Disclosure and, if provided, the plan to manage, reduce or eliminate any actual, potential, or apparent conflict of interest. I approve of the Management Plan.

_____ _____

Printed Name and Signature Date

Exhibit C

Submitted for Endorsement by the Faculty Senate 1/21/05

Proposal-Specific Investigator Financial Interest Disclosure Form

Pursuant to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf. Pursuant to the policy, persons responsible for the design, conduct, or reporting of University sponsored programs (hereinafter "Investigators") must complete this form for each proposal submitted for external funding.

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The purpose of this form is to assist faculty, Investigators, and the University in the identification and management of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire will be held in confidence, and that responses requiring further clarification will be brought to your attention.

Faculty Member or Investigator Name: _____

Department/Unit: _____

Sponsor: _____

Title: _____

PART I (To be completed by all Investigators)

A. Definitions

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of $10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed $10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

Significant financial interest does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

The George Washington University (and *University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

Gifts do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities or (2) service on advisory committees or review panels for public or non-profit entities.

Immediate family member includes an Investigator's spouse/domestic partner and dependent children.

Close family member includes an Investigator's non-dependent children, as well as father, mother, sisters and brothers of the Investigator and the Investigator's spouse/domestic partner.

To your knowledge means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

B. Certification as to Investigator and Immediate Family Members

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support this sponsored project.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You have or an immediate family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(d). You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

(g) You have or an immediate family member has a significant financial interest in a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes _____ No _____

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from:

(a) a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University, or (b) a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services, or (c) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes _____ No _____

3. Do you have or does any immediate family member have any other relationships, commitments, or activities that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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C. Certification as to Investigator and Close Family Members

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (f)?

(a) An outside entity in which a close family member has a significant financial interest has made, or will make, a gift to The George Washington University of

cash or property that will be under your control or will directly support this sponsored project.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You are or will be personally involved in, or you have or will have the ability to influence the formulation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which a close family member has a significant financial interest.

(d) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(e) A close family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or has a significant financial interest in, a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes _____ No _____

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of $250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding $100, from: (a) a business enterprise that to your knowledge supplies property, goods, or services to the George Washington University, or (b) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes _____ No _____

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes _____ No _____

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to

it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

Signature _____ Date _____

Full Name (Printed) _____ Position Title _____

PART II (To be completed by University officials)

Department Chair/Unit Head – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

College Dean/Director – Comments and Recommended Actions

_____ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

_____ I have reviewed this disclosure and recommend the following actions be taken:

_____ _____

Printed Name and Signature Date

A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY (04/7)

WHEREAS, the administration has advised the Fiscal Planning and Budgeting Committee of the Faculty Senate that it is adopting a budgeting strategy of requiring many divisions of the University, including most of the schools, to annually reduce their expense budgets, these funds to be sequestered and some portion returned and targeted towards the strategic priorities of the University and schools*; and

WHEREAS, in the colleges and schools, such reductions, repeated now for several years, start to require deans to begin to dismantle and/or restructure academic programs, often discontinuing part-time faculty and transferring full-time faculty to achieve the required "savings;" and

WHEREAS, the Faculty Code, Section IX.A, entitles faculty to "an active role ...including an opportunity to make recommendations" when such academic-program eliminations and restructuring are being considered, but the amount of time allowed in the budget cycle for deans to identify and report to the budget office the cut they will make is insufficient to allow enough time for significant consultation with the faculty of the schools involved; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1) That the budget cycle of the University, that is, the timing of the informing of deans of budgetary targets and the fixing of dates by which recommendations are due to the budget office, should be modified to permit deans the time and opportunity to confer with faculty in advance of arriving at their recommended budget cuts, and to encourage Deans to confer with faculty, and to allow faculty their Code-guaranteed right to participate in these budget-driven restructurings, in light of the importance of the academic consequences of this budget strategy; and

2) That, in addition to the above short-run strategy, the Administration should commit itself to more long-range budget planning, especially academic planning in conjunction with the deans and faculties of the colleges and schools, as we attempt to reach our strategic goals in the next decade.

* (In FY04 1.1% of school budget expense reductions was matched with a 1.1% budget expense reduction from Administrative units and the total reallocated to Academic Affairs. In FY05 1.62% of school budget expenses was reallocated across the entire University budget.)

Fiscal Planning and Budgeting Committee of the Faculty Senate
Approved: Dec. 18, 2004

Fiscal Planning and Budget Committee
Special Report on FY 2005 Five-Year
Operating and Capital Budgets

Prepared for the Faculty Senate
January 21, 2005

This report is a selective summary of the *FY2005 Five-Year Operating and Capital Budgets* report presented to the Board of Trustees by Vice President and Treasurer Louis H. Katz. The tables and figures, as well as some of the text, are copied directly from VP Katz' report. We thank Don Boselovic, Associate Vice President for Budget, for his help.

Members of the Committee:

Chair: Griffith, William B., Philosophy
Cherian, Edward J., Management Science
Cordes, Joseph J., Public Policy & Public Administration
Gowan, Mary, Management Science
Ismail, Catheeja, Radiology
Lang, Roger H., Electrical and Computer Engineering
Lindahl, Frederick W., Accountancy
Packer, Randall, Biological Sciences
Ribar, David C., Economics
Sikka, Neal K., Emergency Medicine
Solomon, Henry, Emeritus, Economics
Watson, Harry, Economics
Yezer, Anthony, Economics
ex officio:
Bass, Gerald H., Associate V.P. for Health Economics, Medical Center
Boselovic, Don, Associate Vice President for Budget
Charles, Leroy, Assistant Vice President for Health Affairs
Chernak, Robert A., Senior Vice President for Student and Academic Support Services
Harding, Harry, Dean, Elliott School of International Affairs
Katz, Louis H., Executive Vice President and Treasurer
Lehman, Donald R., Executive Vice President for Academic Affairs
Siggins, Jack A., University Librarian
Whitaker, Roger, Dean, College of Professional Studies
Wirtz, Philip W., Management Science, Executive Committee Liaison

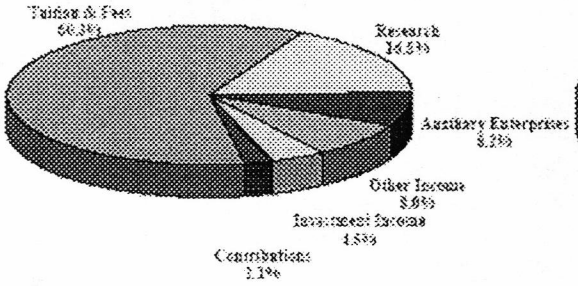
This report is focused on topics we selected as having special importance for this budget cycle. For a more complete view of all areas of the budget you may consult the *FY2005 Five-Year Operating and Capital Budgets* report presented to the Board of Trustees by Executive Vice President and Treasurer Louis H. Katz.

1. Comparison of FY 03 and FY 04: Changes in Total Revenue and Total Expenses

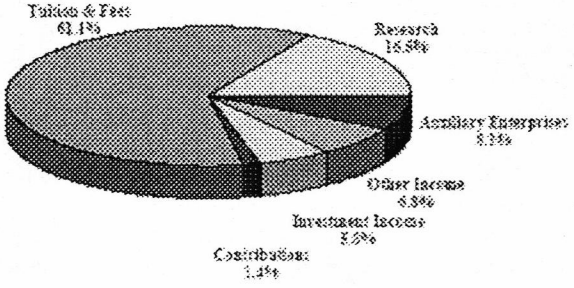
A. Total Revenue

In FY 04 total revenue increased by $51 million compared to FY 03. That represents a 6.9% increase. There was a decrease in the percent of total income from investments and increases in each of the other 5 categories. The combination of the "tuition and fees" and "research" categories represented 78% of total revenue in FY 03 and 77% in FY 04.

FY 04 Total Revenue: $791 Mil.



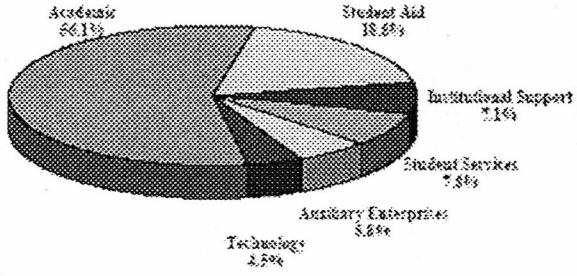
FY 03 Total Revenue: $740 Mil.



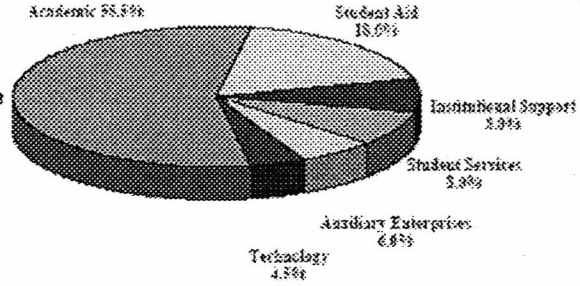
B. Total Expenses

Total expense increased by 3.3 % from FY 03 to FY 04, with no major changes in expenditures as a proportion of total expenditure for any of the 6 broad categories.

FY 04 Total Expense: $713 Mil.



FY 03 Total Expense: $690 Mil.



Total University, including Medical Center. Excludes depreciation and other expenses related to capital projects ($48 million in FY 03 and $53 million in FY 04). Also excludes investment property expense. Maintenance and operation of plant expense is allocated to each category of expense based on square feet. Interest expense is allocated based on the distribution of outstanding debt (e.g., debt on residence halls is allocated to Auxiliary Enterprises).

C. Changes in Expenditures

Although there were no large changes in the below broad categories of expenditures when expressed as a percent of total expenditures, there were a few notable changes in the dollar amount of expenditures from FY 03 – FY 04. Research expenditures increased 9%, student aid increased 8%, and institutional support decreased 8.6%.

	FY 03		FY 04		Change	
	1,000 $	%	1,000 $	%	1,000 $	%
Expense						
Academic:						
Instruction & Academic Support	290,378	42.1%	290,375	42.0%	6,997	3.1%
Research	92,170	13.4%	100,454	14.1%	8,284	9.0%
Total Academic	382,548	55.5%	390,829	56.1%	17,281	4.5%
Student Aid	123,946	18.0%	133,249	19.8%	9,303	8.0%
Institutional Support	55,426	8.0%	50,641	7.1%	(4,785)	-8.6%
Student Services	55,301	8.0%	55,390	7.8%	90	0.2%
Auxiliary Enterprises	41,736	6.0%	41,399	5.8%	(337)	-0.8%
Technology	30,927	4.5%	32,149	4.5%	1,222	4.0%
Total Expense	689,883	100.0%	713,259	100.0%	23,374	3.4%

Total University, including Medical Center. Excludes depreciation and other expenses related to capital projects ($48 million in FY 03 and $53 million in FY 04). Also excludes investment property expense. Maintenance and operation of plant expense is allocated to each category of expense based on square feet. Interest expense is allocated based on the distribution of outstanding debt (e.g., debt on residence halls is allocated to Auxiliary Enterprises).

2. Operating Budget

An overall picture of the operating budget, excluding the Medical Center, is shown in the following table:

Operating Budget
(Dollars in Thousands)

	3rd Quarter Forecast	FY 05 Proposed	Increase/Decrease $	Increase/Decrease %
REVENUES				
Student Tuition & Fees	431,880	468,207	36,327	8.4%
Less University Funded Scholarships	(108,230)	(123,172)	(14,942)	13.8%
Net Student Tuition & Fees	323,650	345,035	21,385	6.6%
Indirect Cost Recoveries	8,953	9,212	259	2.9%
Auxiliary Enterprises	68,319	77,320	9,001	13.2%
Contributions Net	11,187	11,547	360	3.2%
Other Income	17,772	16,043	(1,729)	-9.7%
Total Revenue	429,881	459,157	29,276	6.8%
EXPENSES				
Salaries & Wages	215,461	223,915	8,454	3.9%
Fringe Benefits	46,341	48,297	1,956	4.2%
Purchased Services	49,176	50,418	1,242	2.5%
Supplies	7,614	7,479	(135)	-1.8%
Equipment	14,708	14,189	(519)	-3.5%
Bad Debt	3,907	4,614	707	18.1%
Occupancy	33,603	33,083	(520)	-1.5%
Scholarships & Fellowships	5,377	5,803	426	7.9%
Communications	5,658	5,657	(1)	0.0%
Travel & Training	6,417	6,417	0	0.0%
Other	9,159	8,419	(740)	-8.1%
Total Expense	397,421	408,291	10,870	2.7%
OTHER (DECREASES)/INCREASES IN NET ASSETS				
Debt Service & Mandatory Purposes	(29,408)	(47,651)	18,243	62.0%
Endowment Support	24,028	24,392	364	1.5%
Capital Expenditures	(11,879)	(11,392)	(487)	-4.1%
Support/Investment	(12,413)	(12,149)	(264)	-2.1%
Total Other Changes in Net Assets	(29,672)	(46,800)	17,128	57.7%
OPERATING RESULTS	2,788	4,066	1,278	45.8%
Interest Rate Reserve	0	1,900	1,900	
Investment Property Reserve	0	700	700	
Reserve for GWS	1,250		(1,250)	-100.0%
NET OPERATING RESULTS	1,538	1,466	(72)	-4.7%

Details of the operating budget and comments:

A. For FY 05 tuition revenue accounts for 75% of the total revenue in the proposed operating budget on the page above. When housing and other student revenue is included, over 88% of all operating revenue is derived from enrollment. While income from tuition and fees is expected to increase by 8.4%, University funded scholarships will increase 13.8%, representing an increase from 25% (FY04) to 26% (FY05) of total income from tuition and fees.

The table below shows that we are more tuition dependent than the schools to which we compare ourselves:

Comparative Analysis
FY 01 – 03 Tuition Dependency(1)

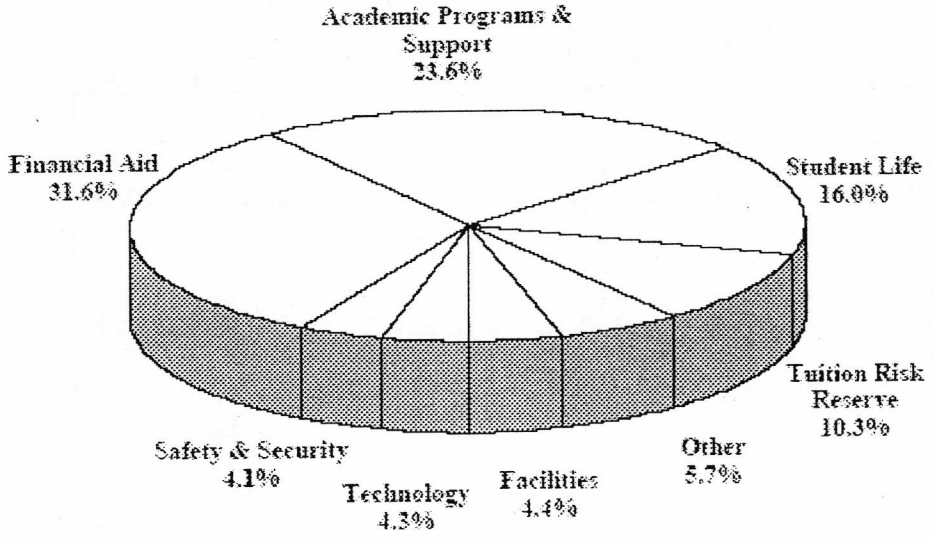
	FY 01	FY 02	FY 03
Duke University	15.0%	14.6%	14.7%
Vanderbilt University	24.8%	23.8%	22.5%
University of Pennsylvania	29.2%	29.8%	29.1%
Northwestern University	31.0%	30.6%	30.9%
Tulane University	39.2%	40.0%	40.1%
Boston University	47.1%	45.9%	45.9%
New York University	47.9%	48.3%	47.4%
George Washington University	**52.3%**	**52.1%**	**53.6%**
Average for Group	35.8%	35.6%	35.5%

Data is organized in ascending order based on FY 03 Tuition Dependency results.

(1) Net tuition and fee revenue as a percent of total operating revenue. Total revenue includes research but excludes health care revenue and government appropriations.

Note that the calculation of tuition dependency in the table above is not based on the same numbers as those quoted in the paragraph at the top of this page but should be valid for comparisons with other universities.

B. The proposed budget includes over $48 million in new funding to be distributed as shown in the chart below.



Less than 25% of the projected increase will be directed toward academic programs. Of the $11.4 million increase for Academic Programs, $4.9 million is allocated for faculty and staff salary merit increases. $1 million of the $7.8 million increase in support of Student Life is allocated for staff salary merit increases.

Of the $48 million in new funding, $2.7 million is derived from reallocation from academic departments and $1.9 from administrative departments. The reallocations represent nearly 10% of the new funding.

C. Debt service will increase from nearly $30 million in FY 04 to approximately $48 million in FY 05, a 62% increase. This apparently large increase is, in part, a function of the fact that in FY04 there were one-time savings due to favorable interest rates relative to the interest rate assumptions used to build the budget. For FY 03 our debt to net asset ratio was 73.4%, compared to a group average of 38.9% for the same group of universities shown on the tuition dependency table on the preceding page. A summary of debt management is shown in the Capital Budget section below.

3. Capital Budget

The capital budget, excluding the Medical Center, through FY 08 is summarized in the following table (dollars in thousands):

	Academic	Institutional Support	Housing	Recreation/ Student Life	Other	Total
FY 2005						
Repair, Replacement & Renewal	2,489	1,090	1,250	1,288	495	6,360
New Construction & Major Renovations	47,465	1,800	12,298	200	0	61,761
	49,924	2,890	13,548	1,288	495	68,121
FY 2006 - FY 2008						
Repair, Replacement & Renewal	3,369	3,827	3,780	600	1,439	12,815
New Construction & Major Renovations	13,774	1,000	15,000	2,780	0	32,554
	17,143	4,827	18,780	3,380	1,439	45,369
Total Capital Budget	67,067	7,817	32,328	4,548	1,934	113,490

(1) Excluding Medical Center and capitalized interest

Details of the operating capital budget and comments:

The proposed budget includes:

$109.2 million for ongoing projects

$4.3 million for proposed projects:

- $2.5 million to renovate space at the Virginia Campus to accommodate the relocation of administrative staff
- $1.8 million to install a sprinkler system in Gelman Library

Most of the spending will be directed to:
Enhancing academic and research facilities

- $67.1 million (59 percent of budget)

Providing additional student housing

- $32.3 million (28 percent of budget)

Support for academic and research facilities includes:

$40.0 million for the creation of a new home for the School of Business (total project cost of $52.5 million)

$5.3 million for the relocation of departments displaced by the School of Business project (total project cost of $9.4 million)

$10.5 million for the construction of the Transportation Research Institute (TRI) at the Virginia Campus (total project cost of $13.5 million)

$1.2 million for the renovation of space in Building 2 at the Virginia Campus (total project cost of $3.0 million)

$3 million to continue our program of Law School renovations

$1.8 million for the proposed installation of a sprinkler system in Gelman Library

The projects included in the proposed budget will be funded from the following sources:

$88.4 million in debt

$10.6 million from operating budget

$8.1 million from capital reserves

$6.4 million from gifts

The bulk of funding for capital projects will be financed by debt. The table below is a comparison of debt management in FY99 to FY04

DEBT MANAGEMENT SUMMARY

(Dollars in thousands)

	FY 99	FY 04	Increase	Est. FY 08 [1]	Increase
Debt Outstanding at Year End:					
Funded by Specific Revenue Sources:					
Housing	67,776	204,449	136,673	236,060	31,611
Parking	6,692	20,518	13,826	14,810	(5,708)
Recreational / Student Life [2]	3,488	65,912	62,424	60,339	(5,573)
Investment Properties [3]	85,922	193,398	107,476	193,398	0
Medical Center	26,109	38,226	12,117	39,282	1,056
Other [4]	2,363	20,797	18,434	20,268	(529)
Total Funded by Specific Revenue Sources [5]	**192,350**	**543,300**	**350,950**	**564,157**	**20,857**
Funded by General Revenue	**117,780**	**181,770**	**63,990**	**248,340**	**66,570**
Total Debt Outstanding	**310,130**	**725,070**	**414,940**	**812,497**	**87,427**
Annual Debt Service	**25,105**	**30,208**	**5,103**	**60,441**	**30,233**

(1) Based on FY 05 capital budget. Assumes an interest rate of. approximately 5.5% on variable rate debt

(2) Primarily the Lerner Family Health & Wellness Center, Cloyd H. Marvin Center, and Mount Vernon Athletic facilities.

(3) Assets of the endowment fund.

(4) Primarily the National Traffic Safety Board facility at the Virginia Campus.

(5) Equates to approximately 75 percent of total FY 04 debt and 69 percent of total FY 08 debt.

A very large proportion of the debt increase supports a dramatic increase in student housing capacity. In FY 99 we had housing for 56% of the 6,558 undergraduates enrolled compared to 74.2% of the 9,226 enrolled in FY 04.

Note that while total debt increased 257%, the proportion of debt funded by general revenue has declined from 61% in FY 99 to 42% in FY 04. Despite the 256% increase in total debt, debt service has increased only about 70% due to current low interest rates. As of June 30, 56% of our debt was variable. Significant increases in interest rates could have a negative impact on both capital and operating budgets. To protect against interest increases, the FY 05 budget assumes an interest rate of 6% on variable debt rate. The budget also includes a $1.9 million interest rate reserve in the operating budget for FY 05.

4. Endowment:

The following table summarizes endowment performance from FY 99 though FY 04, with estimates for FY 05:

ENDOWMENT BUDGET SUPPORT

(In Thousands)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	Estimated FY 05
Market Value of Endowment (1)							
Beginning of Year	609,387	651,937	712,995	689,546	621,110	634,100	733,801
End of Year	651,937	712,995	689,546	621,110	634,100	733,801	729,025
Average	630,662	682,466	701,271	655,328	627,605	683,951	731,413
Gifts Designated for Endowment (2)	10,863	10,326	2,879	4,691	14,860	11,767	
Base Payout	29,147	34,271	39,073	38,399	38,578	34,324	35,214
Supplemental Payout:							
Classrooms and Labs	1,500	1,500	1,500	1,500	500	0	0
New Academic Initiatives	1,500	1,500	1,500	1,500	1,500	0	0
Technology Initiative	3,500	3,500	3,500	3,500	388	0	0
Medical Center Capital Budget				1,900	1,012	0	0
Total Supplemental Payout	6,500	6,500	6,500	8,400	3,400	0	0
Total Payout	**35,647**	**40,771**	**45,573**	**46,799**	**41,978**	**34,324**	**35,214**
Annual Payout Rate	**5.7%**	**6.0%**	**6.5%**	**7.1%**	**6.7%**	**5.0%**	**4.8%**

(1) Net of liabilities.

(2) Cash basis.

(3) As of September 30, 2004.

(4) Based on June 30 and September 30 market values.

(5) Based on funds invested as of September 2004.

Comments: Market forces have resulted in a nearly static average market value over the period. Gifts to the endowment have fluctuated markedly from FY 99 through FY 04 and have averaged about $9.2 million per year. The average yearly value of the endowment

for the period is $663.5 million so, on average, the ratio of gifts to total endowment value has averaged about 1.39% per year.

5. Enrollment Statistics:

The following table is a summary of enrollment comparing FY 99 and FY04, with estimates for FY 05:

	FY 99	FY 04	Change	Est. FY 08	Change
Undergraduate	6,558	9,226	40.7%	9,926	7.6%
Graduate	4,862	5,596	15.1%	6,066	8.4%
Law	1,491	1,711	14.8%	1,563	-8.6%
Non-Degree	740	454	-38.6%	449	-1.1%
TOTAL	**13,651**	**16,987**	**24.4%**	**18,004**	**6.0%**

(1) FTEs as of Fall Census for all campuses. Excludes the School of Medicine and Health Sciences and School of Public Health and Health Services. Excludes Continuation Enrollment and Continuing Research.

Enrollments, especially undergraduate, have increased rapidly. While undergraduate enrollments have increased by about 41%, the number of regular active status faulty (tenure track + non-tenure track) has increased from 664 in the Fall of 1999 to 740 (an increase of about 11.5%). Over that period the number of tenure track faculty increased from 538 to 567 (5.4%) while non-tenure track faculty increased from 126 to 173 (37.3%).

Not only are enrollments growing, undergraduate, graduate, and Law School selectivity has increased as shown below:

Undergraduate – Includes Medical Center Freshman					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Undergraduate Applications	14,326	14,767	15,960	16,919	18,442
Undergraduate Selectivity Rate	49%	49%	48%	40%	38%
Undergraduate Matriculation Rate	30%	29%	33%	34%	32%

Graduate – Excludes Medical Center and Law School					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Graduate Applications	9,921	9,669	9,873	10,799	11,768
Graduate Selectivity	52%	52%	50%	49%	47%
Graduate Matriculation Rate	42%	49%	51%	50%	50%

Law School – Includes Post JD					
	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03
Law Applications	7,801	8,353	9,272	11,537	12,433
Law Selectivity	31%	29%	26%	21%	20%
Law Matriculation Rate	27%	27%	27%	27%	30%

Increasing selectivity while growing the student body is a very positive development. The increases in funds allocated to student aid appear to be paying off.